

# Rules

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 122—Trade and Industrial Education Curricula (LAC 28:CXXVII.Chapters 1-7)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 122—Trade and Industrial Education Curricula*. Bulletin 122 will be printed in codified format as Part CXXVII of the *Louisiana Administrative Code*. This action updates Career and Technical course offerings. In updating these courses offerings our Career and Technical program of studies will be more aligned with national standards.

### Title 28 EDUCATION

#### Part CXXVII. Bulletin 122—Trade and Industrial Education Curricula

##### Chapter 1. General Provisions

##### §101. Introduction

A. The National Center for Construction Education and Research (NCCER) is a nonprofit 501(c)(3) foundation for education providing curricula to diversified craft-based businesses. These include industries tied to construction, pipeline, and maintenance. Various industries such as trade associations, construction, schools, contractors, and maintenance users, manufacturers, third-party training providers, and pipeline operators support the efforts of NCCER.

B. The NCCER has coordinated with industry to develop curricula that is respected and acknowledged nationwide. Their curricula are nationally standardized, portable, and competency based. The NCCER has earned the respect and acknowledgement of industry and is partnered with various industry sectors such as construction, pipeline and maintenance. A National Registry has been developed which lists all students who have been awarded industry-based certifications in a number of crafts which allows employers to draw from a workforce they know have been trained by using a nationally consistent curricula.

C. The Louisiana Department of Education (LDE) serves as the state sponsor for NCCER certification for both secondary and postsecondary students. Adoption of common curricula for craft-based courses by both the LDE and Louisiana Technical College (LTC) will facilitate articulation. Upon successful completion of NCCER training, students can earn industry-based certifications in heating, venting, air conditioning, and refrigeration (HVAC-R); carpentry; and electrical. Documentation of these certifications is maintained on the NCCER National Registry offering students a portable credential recognized by industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1200 (July 2006).

## Chapter 3. Carpentry Competencies/Objectives

### §301. Level One

#### A. Module 27101-01. Orientation to The Trade

1. Describe the history of the carpentry trade.
2. Identify the stages of progress within the carpentry trade.
3. Identify the responsibilities of a person working in the construction industry.
4. State the personal characteristics of a professional.
5. Explain the importance of safety in the construction industry.

#### B. Module 27102-01. Wood Building Materials, Fasteners, and Adhesives

1. Explain the terms commonly used in discussing wood and lumber.
2. State the uses of various types of hardwoods and softwoods.
3. Identify various types of imperfections that are found in lumber.
4. Explain how lumber is graded.
5. Interpret grade markings on lumber and plywood.
6. Explain how plywood is manufactured, graded, and used.
7. Identify various types of building boards and identify their uses.
8. Identify the uses of and safety precautions associated with pressure-treated and fire-retardant lumber.
9. Describe the proper method of caring for lumber and wood building materials at the job site.
10. State the uses of various types of engineered lumber.
11. Calculate the quantities of lumber and wood products using industry-standard methods.
12. List the basic nail and staple types and their uses.
13. List the basic types of screws and their uses.
14. Identify the different types of anchors and their uses.
15. Describe the common types of adhesives used in construction work and explain their uses.

#### C. Module 27103-01. Hand and Power Tools

1. Identify the hand tools commonly used by carpenters and describe their uses.
2. Use hand tools in a safe and appropriate manner.
3. State the general safety rules for operating all power tools, regardless of type.
4. State the general rules for properly maintaining all power tools, regardless of type.
5. Identify the portable power tools commonly used by carpenters and describe their uses.
6. Use portable power tools in a safe and appropriate manner.
7. Identify the stationary power tools commonly used by carpenters and describe their uses.
8. Use stationary power tools in a safe and appropriate manner.

#### D. Module 27104-01. Floor Systems

1. Identify the different types of framing systems.

2. Read and understand drawings and specifications to determine floor system requirements.

3. Identify floor and sill framing and support members.

4. Name the methods used to fasten sills to the foundation.

5. Given specific floor load and span data, select the proper girder/beam size from a list of available girders/beams.

6. List and recognize different types of floor joists.

7. Given specific floor load and span data, select the proper joist size from a list of available joists.

8. List and recognize different types of bridging.

9. List and recognize different types of flooring materials.

10. Explain the purposes of subflooring and underlayment.

11. Match selected fasteners used in floor framing to their correct uses.

12. Estimate the amount of material needed to frame a floor assembly.

13. Demonstrate the ability to:

- a. lay out and construct a floor assembly;
- b. install bridging;
- c. install joists for a cantilever floor;
- d. install a subfloor using butt-joint plywood/OSB panels;
- e. install a single floor system using tongue-and-groove plywood/OSB panels.

#### E. Module 27105-01. Wall and Ceiling Framing

1. Identify the components of a wall and ceiling layout.

2. Describe the procedure for laying out a wood frame wall, including:

- a. plates;
- b. corner posts;
- c. door and window openings;
- d. partition Ts;
- e. bracing; and
- f. firestops.

3. Describe the correct procedure for assembling and erecting an exterior wall.

4. Describe the common materials and methods used for installing sheathing on walls.

5. Lay out, assemble, erect, and brace exterior walls for a frame building.

6. Describe wall framing techniques used in masonry construction.

7. Explain the use of metal studs in wall framing.

8. Describe the correct procedure for laying out a ceiling.

9. Cut and install ceiling joists on a wood frame building.

10. Estimate the materials required to frame walls and ceilings.

#### F. Module 27106-01. Roof Framing

1. Understand the terms associated with roof framing.

2. Identify the roof framing members used in gable and hip roofs.

3. Identify the methods used to calculate the length of a rafter.

4. Identify the various types of trusses used in roof framing.

5. Use a rafter framing square, speed square, and calculator in laying out a roof.

6. Identify various types of sheathing used in roof construction.

7. Frame a gable roof with vent openings.

8. Frame a roof opening.

9. Construct a frame roof, including:

- a. hips;
- b. valleys;
- c. commons;
- d. jack rafters; and
- e. sheathing.

10. Erect a gable roof using trusses.

11. Estimate the materials used in framing and sheathing a roof.

#### G. Module 27107-01. Windows and Exterior Doors

1. Identify various types of fixed, sliding, and swinging windows.

2. Identify the parts of a window installation.

3. State the requirements for a proper window installation.

4. Install a pre-hung window.

5. Identify the common types of skylights and roof windows.

6. Describe the procedure for properly installing a skylight.

7. Identify the common types of exterior doors and explain how they are constructed.

8. Identify the parts of a door installation.

9. Identify the types of thresholds used with exterior doors.

10. Install a threshold on a concrete floor.

11. Install a pre-hung exterior door with weather-stripping.

12. Identify the various types of locksets used on exterior doors and explain how they are installed.

13. Explain the correct installation procedure for a rollup garage door.

14. Install a lockset.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1200 (July 2006).

### §303. Level Two

#### A. Module 27201-01. Reading Plans and Elevations

1. Describe the types of drawings usually included in a set of plans and list the information found on each type.

2. Identify the different types of lines used on construction drawings.

3. Identify selected architectural symbols commonly used to represent materials on plans.

4. Identify selected electrical, mechanical, and plumbing symbols commonly used on plans.

5. Identify selected abbreviations commonly used on plans.

6. Read and interpret plans, elevations, schedules, sections, and details contained in basic construction drawings.

7. State the purpose of written specifications.

8. Identify and describe the parts of a specification.
9. Demonstrate or describe how to perform a quantity takeoff for materials.

B. Module 27202-01. Site Layout One: Distance Measurement and Leveling

1. Describe the major responsibilities of the carpenter relative to site layout.
2. Convert measurements stated in feet and inches to equivalent measurements stated in decimal feet, and vice versa.
3. Use and properly maintain tools and equipment associated with taping.
4. Use taping and/or chaining equipment and procedures to make distance measurements and perform site layout tasks.
5. Determine approximate distances by pacing.
6. Recognize, use, and properly care for tools and equipment associated with differential leveling.
7. Use a builder's level or transit and differential leveling procedures to determine site and building elevations.
8. Record site layout data and information in field notes using accepted practices.
9. Check and/or establish 90° angles using the 3/4/5 rule.

C. Module 27203-01. Introduction to Concrete and Reinforcing Materials

1. Identify various types of cement and describe their uses.
2. Identify types and sizes of concrete aggregates.
3. Identify types of concrete admixtures and describe their uses.
4. Identify special types of concrete and describe their uses.
5. Identify concrete curing methods and materials.
6. Identify concrete testing methods.
7. Demonstrate sampling methods used for the testing of concrete.
8. Perform slump testing of concrete.
9. Perform casting of specimens for strength testing of concrete.

10. Perform volume estimates for concrete quantity requirements.

11. Identify types of concrete reinforcement bars and describe their uses.

12. Identify types of reinforcement bar supports and describe their uses.

13. Identify types of welded-wire fabric (WWF) reinforcement material and describe their uses.

D. Module 27204-01. Foundations and Flatwork

1. Identify various kinds of footings, including:
  - a. continuous or spread;
  - b. stepped;
  - c. pier;
  - d. grade beam.
2. Identify the parts of footing forms and explain their purpose.
3. Identify the parts of pier forms and explain their purpose.
4. Demonstrate the ability to lay out and construct selected footing forms, including:
  - a. continuous footing;

- b. pier footing;
- c. pile cap;
- d. grade beam.

5. Strip a pier footing form and prepare it for erection at another location.

6. Identify types of concrete structures that require the construction of edge forms:

- a. slabs with or without a foundation;
- b. parking lots;
- c. driveways and streets;
- d. sidewalks;
- e. approaches.

7. Identify the parts of edge forms and explain their purpose.

8. Demonstrate the ability to construct and disassemble edge forms for:

- a. a slab-on-grade with an existing foundation;
- b. a slab-on-grade with an integral foundation.

9. Explain the purpose of a screed and identify the different types of screeds.

10. Demonstrate the ability to set screeds on grade.

E. Module 27205-01. Concrete Forms

1. Identify the various types of concrete forms.
2. Identify the components of each type of form.
3. Explain the safety procedures associated with using concrete forms.

4. Erect, plumb, and brace selected concrete forms, including:

- a. basic wall form;
- b. ganged wall form;
- c. radius wall form;
- d. column form;
- e. beam form and shoring;
- f. stair form.

F. Module 27206-01. Reinforcing Concrete

1. Describe the applications of reinforcing bars, the uses of reinforced structural concrete, and the basic processes involved in placing reinforcing bars.

2. Recognize and identify the bar bends standardized by the American Concrete Institute (ACI).

3. Read and interpret bar lists and describe the information found on a bar list.

4. List the types of ties used in securing reinforcing bars.

5. State the tolerances allowed in the fabrication of reinforcing bars.

6. Demonstrate the proper use of common ties for reinforcing bars.

7. Describe methods by which reinforcing bars may be cut and bent in the field.

8. Use the tools and equipment needed for installing reinforcing bars.

9. Demonstrate the ability to safely use selected tools and equipment to cut, bend, and install reinforcing materials.

10. Explain the necessity of concrete cover in placing reinforcing bars.

11. Explain and demonstrate how to place bars in walls, columns, beams, girders, joists, and slabs.

12. Identify lapped and welded splices.

G. Module 27207-01. Handling and Placing Concrete

1. Identify and state the purpose of different types of concrete joints.

2. Recognize the various equipment used to transport and place concrete.
3. Describe the factors that contribute to the quality of concrete placement.
4. Demonstrate and/or describe the correct methods for placing and consolidating concrete into forms.
5. Demonstrate and/or describe how to use a screed to strike off and level concrete to the proper grade in a form.
6. Demonstrate and/or describe how to use a bullfloat and/or darby to level and smooth concrete.
7. Determine when conditions permit the concrete finishing operation to start.
8. Demonstrate and/or describe how to use a hand float and finishing trowel.
9. Demonstrate and/or describe how to use an edger.
10. Demonstrate and/or describe how to use a jointer.
11. Name the factors that affect the curing of concrete and describe the methods used to achieve proper curing.
12. Properly care for and safely use hand and power tools used when working with concrete.

#### H. Module 27208-01. Manufactured Forms

1. Recognize various types of manufactured forms.
2. Identify the components of manufactured wall-forming systems.
3. State the differences in construction and use among different types of forms.
4. Describe how a flying form system is moved.
5. Erect, plumb, and brace a manufactured wall form.
6. Use a manufactured hardware system to erect forms of lumber and sheathing.
7. Erect, plumb, and brace a manufactured column form.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1201 (July 2006).

### §305. Level Three

#### A. Module 27301-02. Exterior Finishing

1. Describe the purpose of wall insulation and flashing.
2. Identify the types and parts of common cornices.
3. Demonstrate the installation of selected common cornices.
4. Demonstrate lap and panel siding estimating methods.
5. Describe the types and applications of common wood siding:
  - a. beveled;
  - b. tongue-and-groove;
  - c. shiplap;
  - d. board-and-batten;
  - e. shake or shingle;
  - f. plywood;
  - g. hardboard and particleboard.
6. Install selected types of wood siding.
7. Describe fiber-cement siding and its uses.
8. Demonstrate the installation of fiber-cement siding.
9. Describe the types and styles of vinyl and metal siding.
10. Install selected types of vinyl or metal siding.
11. Describe the types and applications of stucco and masonry veneer finishes.

12. Describe the types and applications of special exterior finish systems.

13. Describe the types and styles of gutters and downspouts and their accessories.

14. Install selected types of metal or vinyl gutters and downspouts.

#### B. Module 27302-02. Roofing Applications

1. Identify the materials and methods used in roofing.
2. Explain the safety requirements for roof jobs.
3. Install fiberglass shingles on gable and hip roofs.
4. Close up a valley using fiberglass shingles.
5. Explain how to make various roof projections watertight when using fiberglass shingles.
6. Complete the proper cuts and install the main and hip ridge caps using fiberglass shingles.
7. Lay out, cut, and install a cricket or saddle.
8. Install wood shingles and shakes on roofs.
9. Describe how to close up a valley using wood shingles and shakes.
10. Explain how to make roof projections watertight when using wood shakes and shingles.
11. Complete the cuts and install the main and hip ridge caps using wood shakes/shingles.
12. Demonstrate the techniques for installing other selected types of roofing materials.

#### C. Module 27303-02. Thermal and Moisture Protection

1. Describe the requirements for insulation.
2. Describe the characteristics of various types of insulation material.
3. Calculate the required amounts of insulation for a structure.
4. Demonstrate the installation of selected insulation materials.
5. Describe the requirements for moisture control and ventilation.
6. Install selected vapor barriers.
7. Describe various methods of waterproofing.
8. Describe air infiltration control requirements.
9. Install selected building wraps.

#### D. Module 27304-02. Stairs

1. Identify the various types of stairs.
2. Identify the various parts of stairs.
3. Identify the materials used in the construction of stairs.
4. Interpret construction drawings of stairs.
5. Explain the methods of constructing various types of stairs.
6. Understand the various terms and definitions relating to stairs.
7. Lay out and cut stringers.
8. Determine the number and sizes of risers and treads required for a stairway.
9. Build a small stair unit with a handrail.
10. Lay out a skirt board.

#### E. Module 27305-02. Framing with Metal Studs

1. Identify the components of a metal stud system.
2. Identify and select the tools and fasteners used in a metal stud system.
3. Identify applications for metal stud systems.
4. Lay out and install a metal stud wall with openings.
5. Lay out and install a metal door frame.
6. Lay out and install a metal stud radius wall.

F. MODULE 27306-02. Drywall One: Installation

1. Identify the different types of gypsum wallboard (drywall) and their uses.
2. Select the type and thickness of drywall required for specific installations.
3. Select fasteners for drywall installation.
4. Explain the fastener schedules for different types of drywall installations.
5. Perform single-layer and multi-layer drywall installations using different types of fastening systems, including:
  - a. nails;
  - b. drywall screws;
  - c. adhesives.
6. Install gypsum drywall on metal studs.
7. Explain how soundproofing is achieved in drywall installations.
8. Estimate material quantities for a drywall installation.

G. Module 27307-02. Drywall Two: Finishing

1. Explain the different levels of finishing as defined in A Recommended Specification for Levels of Gypsum Board Finish.
2. Identify the hand tools used in drywall finishing and demonstrate the ability to use these tools.
3. Identify the automatic tools used in drywall finishing.
4. Identify the materials used in drywall finishing and state the purpose and use of each type of material, including:
  - a. compounds;
  - b. joint reinforcing tapes;
  - c. trim materials;
  - d. textures and coatings.
5. Demonstrate the ability to properly finish drywall using hand tools.
6. Recognize various types of problems that occur in drywall finishes and identify the cause and correct method for solving each type of problem.
7. Demonstrate the ability to patch damaged drywall.

H. Module 27308-02. Interior Finish One: Doors

1. Identify various types of door jambs and frames and demonstrate the installation procedures for placing selected door jambs and frames in different types of interior partitions.
2. Identify different types of interior doors.
3. Identify different types of interior door hardware and demonstrate the installation procedures for selected types.
4. Demonstrate the correct and safe use of the hand tools described in this module.
5. Demonstrate the correct and safe use of the power tools described in this module.
6. List and identify specific items included on a typical door schedule.
7. Demonstrate the procedure for placing and hanging a selected door.

I. Module 27309-02. Interior Finish Two: Suspended Ceilings

1. Establish a level line.
2. Understand the common terms related to sound waves and acoustical ceiling materials.
3. Identify the different types of suspended ceilings.

4. Interpret plans and shop drawings related to ceiling layout.
5. Sketch the ceiling layout for a basic suspended ceiling.
6. Perform a material takeoff for a suspended ceiling.
7. Install selected suspended ceilings.

J. Module 27310-02. Interior Finish Three: Window, Door, Floor, and Ceiling Trim

1. Identify the different types of standard moldings and describe their uses.
2. Make square and miter cuts using a miter box or power miter saw.
3. Make coped joint cuts using a coping saw.
4. Select and properly use fasteners to install trim.
5. Install interior trim, including:
  - a. door trim;
  - b. window trim;
  - c. base trim;
  - d. ceiling trim;
6. Estimate the quantities of different trim materials required for selected rooms.

K. Module 27311-02. Interior Finish Four: Cabinet Installation

1. State the classes and sizes of typical base and wall kitchen cabinets.
2. Recognize the common types of woods used to make cabinets.
3. Identify cabinet components and hardware and describe their purpose.
4. Install factory-made cabinets, countertops, and backsplashes.
5. Install plastic laminate on a countertop core.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1203 (July 2006).

**§307. Level Four**

A. Module 27401-03. Site Layout Two: Angular Measurement

1. Perform calculations pertaining to angular measurements.
  - a. Use the Pythagorean theorem to determine unknown values.
  - b. Use right triangle trigonometry to determine unknown values.
  - c. Convert feet and inches to decimal feet, and vice versa.
  - d. Convert angular measurements stated in decimal degrees to degrees, minutes, seconds, and vice versa.
  - e. Convert azimuth to bearing, and vice versa.
  - f. Convert polar coordinates to rectangular coordinates, and vice versa.
  - g. Convert distance and direction into latitudes and departures.
2. Recognize, safely use, and properly care for site layout tools and instruments, including:
  - a. construction laser instruments;
  - b. transits;
  - c. theodolites;
  - d. electronic distance measurement instruments (EDMIs);
  - e. total stations.

3. Lay out building lines using traditional and radial layout techniques.

4. Use a laser level to determine unknown elevations.

5. Use trigonometric leveling techniques to determine unknown elevations.

B. Module 27402-03. Advanced Roof Systems

1. Describe the characteristics and properties of metals as they relate to roofing applications.

2. Identify the types of trusses and joists used in commercial roofing.

3. Demonstrate the installation of panels for a lap seam metal roof, including the preparation of eaves.

4. Demonstrate the installation of panels for a standing seam metal roof.

5. Describe the proper installation procedures for a built-up roof.

6. Demonstrate the installation of endlapped panels for a standing seam metal roof.

7. Demonstrate the sealing of a sidelap standing seam metal roof.

C. MODULE 27403-03. Advanced Floor Systems

1. Identify different types of floor systems.

2. Explain the purpose of working drawings as they relate to flooring systems.

3. Identify the different types of floor coverings and discuss their applications.

4. Explain the various methods of fireproofing floor systems.

5. Demonstrate the ability to install various types of floor coverings.

D. Module 27404-03. Advanced Wall Systems

1. Explain the different types of wall systems.

2. Explain the different types of wall finishes.

3. Explain the various methods of fireproofing a wall system.

4. Demonstrate the ability to install paneling with wainscoting.

5. Describe the process used in forming and installing tilt-up wall panels.

6. Identify various advanced wall systems and explain the techniques used in their construction.

7. Demonstrate the ability to build penetration firewalls and sound control walls per specifications.

E. Module 27405-03. Advanced Stair Systems

1. Identify the various stair parts.

2. Explain and demonstrate the procedure for cutting and installing various stair parts, including:

- a. mitered finish stringers;
- b. mitered risers;
- c. treads;
- d. newel posts;
- e. handrails;
- f. balusters.

3. Describe the method for finishing service stairs and main stairs, and demonstrate instructor-selected finishing for one or more of the following:

- a. open;
- b. closed;
- c. combination open/closed;
- d. L-shaped;
- e. u-shaped

4. Identify what materials can be used to build stairs for commercial construction.

F. Module 27406-03. Introduction to Light Equipment

1. Identify and explain the operation and use of various pieces of light equipment, including:

- a. aerial lifts;
- b. skid steer loaders;
- c. trenchers;
- d. generators;
- e. compressors;
- f. compactors;
- g. forklifts;
- h. backhoe.

2. State the safety precautions associated with light equipment.

3. Operate selected items of light equipment.

G. Module 27407-03. Welding

1. Identify and explain the parts of an oxyfuel cutting outfit.

2. State the safety rules for working with oxyfuel equipment.

3. Identify the proper protective clothing and eye protection to be used in oxyfuel cutting.

4. Explain the meaning of the terms backfire and flashback, describe how to avoid them, and what to do if they occur.

5. Match cutting torch tips to their applications.

6. Under the supervision of the instructor, demonstrate the ability to:

- a. set up equipment for oxyfuel cutting;
- b. turn on, light, and adjust the equipment to obtain a neutral flame;
- c. cut mild steel, stop, and restart the cut

7. State the safety precautions associated with arc welding.

8. Identify the proper protective clothing and eye protection to be used in welding.

9. Identify the types of arc welding machines.

10. Identify the types of arc welding electrodes.

11. Interpret the meanings of the electrode classification codes.

12. Identify the factors to consider when selecting electrodes.

13. State the characteristics of a good weld.

14. Under the supervision of the instructor, demonstrate the ability to perform one or more of the following welding procedures:

- a. start, stop, and restart a bead;
- b. construct a pad weld;
- c. construct a butt weld;
- d. construct a lap-joint fillet weld in the overhead position;
- e. construct a T-joint fillet weld in the vertical up position;
- f. construct a square-groove butt-joint weld in the vertical down position.

H. Module 27408-03. Metal Buildings

1. Discuss the common applications and basic design principles of metal buildings and contrast them to standard construction.

2. State the safety precautions applicable to metal building assembly, including:

- a. power tool safety;
- b. rigging safety;
- c. electrical safety;
- d. concrete-related safety;
- e. fall protection;
- f. ladder and scaffold safety;
- g. welding safety.

3. Describe fastening methods used in metal building construction.

4. Describe the basic erection practices for interior and end bays of metal buildings.

5. Describe the procedures used in plumbing, leveling, and squaring a metal building and contrast them to those used in standard construction.

6. Identify and describe the types of roof panels and roofing materials used on metal buildings.

7. Identify and describe the types of walls and wall finishes used on metal buildings.

8. Describe the procedures used to install windows and doors in metal buildings.

9. Interpret metal building drawings and schematics.

I. Module 27409-03 (Mt101). Introductory Skills for the Crew Leader

1. Discuss current issues and organizational structure in the construction industry today.

2. Understand and incorporate leadership skills into work habits, including:

- a. communication;
- b. motivation;
- c. team building;
- d. problem solving; and
- e. decision-making skills.

3. Demonstrate an awareness of safety issues, including the cost of accidents and safety regulations.

4. Identify a supervisor's typical safety responsibilities.

5. Show a basic understanding of the planning process, scheduling, and cost and resource control.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1204 (July 2006).

### **§309. Level Five**

A. Module 27501-03. Cabinetmaking

1. State the classes and sizes of typical base and wall kitchen cabinets.

2. Recognize the common types of woods used to make cabinets.

3. Identify cabinet components and hardware and describe their purpose.

4. Correctly and safely use stationary power tools.

5. Identify and cut the various types of joints used in cabinetmaking.

6. Build a cabinet from a set of drawings.

7. Install plastic laminate on a countertop core.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1206 (July 2006).

## **Chapter 5. Electrical Competencies/Objectives**

### **§501. Level One**

A. Module 26101-02. Electrical Safety

1. Demonstrate safe working procedures in a construction environment.

2. Explain the purpose of OSHA and how it promotes safety on the job.

3. Identify electrical hazards and how to avoid or minimize them in the workplace.

4. Explain:

a. safety issues concerning lockout/tagout procedures;

b. personal protection using assured grounding and isolation programs, confined space entry, respiratory protection; and

c. fall protection systems.

B. Module 26102-02. Hand Bending

1. Identify the methods of hand bending conduit.

2. Identify the various methods used to install conduit.

3. Use math formulas to determine conduit bends.

4. Make 90° bends, back-to-back bends, offsets, kicks, and saddle bends using a hand bender.

5. Cut, ream, and thread conduit.

C. Module 26103-02. Fasteners and Anchors

1. Identify and explain the use of threaded fasteners.

2. Identify and explain the use of non-threaded fasteners.

3. Identify and explain the use of anchors.

4. Demonstrate the correct applications for fasteners and anchors.

5. Install fasteners and anchors.

D. Module 26104-02. Electrical Theory One

1. Recognize what atoms are and how they are constructed.

2. Define voltage and identify the ways in which it can be produced.

3. Explain the difference between conductors and insulators.

4. Define the units of measurement that are used to measure the properties of electricity.

5. Explain how voltage, current, and resistance are related to each other.

6. Using the formula for Ohm's Law, calculate an unknown value.

7. Explain the different types of meters used to measure voltage, current, and resistance.

8. Using the power formula, calculate the amount of power used by a circuit.

E. Module 26105-02. Electrical Theory Two

1. Explain the basic characteristics of a series circuit.

2. Explain the basic characteristics of a parallel circuit.

3. Explain the basic characteristics of a series-parallel circuit.

4. Calculate, using Kirchoff's Voltage Law, the voltage drop in series, parallel, and series-parallel circuits.

5. Calculate, using Kirchoff's Current Law, the total current in parallel and series-parallel circuits.

6. Find the total amount of resistance in a series circuit.

7. Find the total amount of resistance in a parallel circuit.

8. Find the total amount of resistance in a series-parallel circuit.

F. Module 26106-02. Electrical Test Equipment

1. Explain the operation of and describe the following pieces of test equipment:

- a. ammeter;
- b. ohmmeter;
- c. wattmeter;
- d. frequency meter;
- e. continuity tester;
- f. recording instruments;
- g. voltmeter;
- h. volt-ohm-millimeter (VOM);
- i. megohmmeter;
- j. power factor meter;
- k. voltage tester;
- l. cable-length meters.

2. Explain how to read and convert from one scale to another using the test equipment listed in Subparagraphs a-l above.

3. Explain the importance of proper meter polarity.

4. Define frequency and explain the use of a frequency meter.

5. Explain the difference between digital and analog meters.

G. Module 26107-02. Introduction to The National Electrical Code®

1. Explain the purpose and history of the National Electrical Code® (NEC®).

2. Describe the layout of the NEC®.

3. Explain how to navigate the NEC®.

4. Describe the purpose of the National Electrical Manufacturers' Association (NEMA) and the National Fire Protection Association (NFPA).

5. Explain the role of testing laboratories.

H. Module 26108-02. Raceways, Boxes, and Fittings

1. Describe various types of cable trays and raceways.

2. Identify and select various types and sizes of raceways.

3. Identify and select various types and sizes of cable trays.

4. Identify and select various types of raceway fittings.

5. Identify various methods used to install raceways.

6. Demonstrate knowledge of NEC® raceway requirements.

7. Describe procedures for installing raceways and boxes on masonry surfaces.

8. Describe procedures for installing raceways and boxes on concrete surfaces.

9. Describe procedures for installing raceways and boxes in a metal stud environment.

10. Describe procedures for installing raceways and boxes in a wood frame environment.

11. Describe procedures for installing raceways and boxes on drywall surfaces.

12. Recognize safety precautions that must be followed when working with boxes and raceways.

I. Module 26109-02. Conductors

1. Explain the various sizes and gauges of wire in accordance with American Wire Gauge standards.

2. Identify insulation and jacket types according to conditions and applications.

3. Describe voltage ratings of conductors and cables.

4. Read and identify markings on conductors and cables.

5. Use the tables in the NEC® to determine the ampacity of a conductor.

6. State the purpose of stranded wire.

7. State the purpose of compressed conductors.

8. Describe the different materials from which conductors are made.

9. Describe the different types of conductor insulation.

10. Describe the color coding of insulation.

11. Describe instrumentation control wiring.

12. Describe the equipment required for pulling wire through conduit.

13. Describe the procedure for pulling wire through conduit.

14. Install conductors in conduit.

15. Pull conductors in a conduit system.

J. Module 26110-02. Introduction to Electrical Blueprints

1. Explain the basic layout of a blueprint.

2. Describe the information included in the title block of a blueprint.

3. Identify the types of lines used on blueprints.

4. Identify common symbols used on blueprints.

5. Understand the use of architect's and engineer's scales.

6. Interpret electrical drawings, including:

- a. site plans;
- b. floor plans; and
- c. detail drawings.

7. Read equipment schedules found on electrical blueprints.

8. Describe the type of information included in electrical specifications.

K. Module 26111-02. Wiring: Commercial and Industrial

1. Identify and state the functions and ratings of single-pole, double-pole, three-way, four-way, dimmer, special, and safety switches.

2. Explain NEMA classifications as they relate to switches and enclosures.

3. Explain the NEC® requirements concerning wiring devices.

4. Identify and state the functions and ratings of straight blade, twist lock, and pin and sleeve receptacles.

5. Identify and define receptacle terminals and disconnects.

6. Identify and define ground fault circuit interrupters.

7. Explain the box mounting requirements in the NEC®.

8. Use a wire stripper to strip insulation from a wire.

9. Use a solderless connector to splice wires together.

10. Identify and state the functions of limit switches and relays.

11. Identify and state the function of switchgear.

L. Module 26112-02. Wiring: Residential

1. Describe how to determine electric service requirements for dwellings.



2. Explain the grounding requirements of a residential electric service.
3. Calculate and select service-entrance equipment.
4. Select the proper wiring methods for various types of residences.
5. Explain the role of the NEC® in residential wiring.
6. Compute branch circuit loads and explain their installation requirements.
7. Explain the types and purposes of equipment grounding conductors.
8. Explain the purpose of ground fault circuit interrupters and tell where they must be installed.
9. Size outlet boxes and select the proper type for different wiring methods.
10. Describe rules for installing electric space heating and HVAC equipment.
11. Describe the installation rules for electrical systems around swimming pools, spas, and hot tubs.
12. Explain how wiring devices are selected and installed.
13. Describe the installation and control of lighting fixtures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

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### **§503. Level Two**

#### **A. Module 26201-03. Alternating Current**

1. Calculate the peak and effective voltage or current values for an AC waveform.
2. Calculate the phase relationship between two AC waveforms.
3. Describe the voltage and current phase relationship in a resistive AC circuit.
4. Describe the voltage and current transients that occur in an inductive circuit.
5. Define inductive reactance and state how it is affected by frequency.
6. Describe the voltage and current transients that occur in a capacitive circuit.
7. Define capacitive reactance and state how it is affected by frequency.
8. Explain the relationship between voltage and current in the following types of AC circuits:
  - a. RL circuit;
  - b. LC circuit;
  - c. RC circuit;
  - d. RLC circuit.
9. Describe the effect that resonant frequency has on impedance and current flow in a series or parallel resonant circuit.
10. Define bandwidth and describe how it is affected by resistance in a series or parallel resonant circuit.
11. Explain the following terms as they relate to AC circuits:
  - a. true power;
  - b. reactive power;
  - c. apparent power;
  - d. power factor.
12. Explain basic transformer action.

#### **B. Module 26202-03. Motors: Theory and Application**

1. Define the following terms:
  - a. ampacity;

- b. branch circuit;
- c. circuit breaker;
- d. controller;
- e. duty;
- f. equipment;
- g. full-load amps;
- h. remote control circuit;
- i. interrupting rating;
- j. motor circuit switch;
- k. thermal protector;
- l. NEMA design letter;
- m. nonautomatic;
- n. overcurrent;
- o. overload;
- p. power factor;
- q. rated full-load speed;
- r. rated horsepower;
- s. ground fault circuit interrupter;
- t. service factor;
- u. thermal cutout.

2. Describe the various types of motor enclosures.

3. Describe how the rated voltage of a motor differs from the system voltage.

4. Describe the basic construction and components of a three-phase squirrel cage induction motor.

5. Explain the relationships among speed, frequency, and the number of poles in a three-phase induction motor.

6. Describe how torque is developed in an induction motor.

7. Explain how and why torque varies with rotor reactance and slip.

8. Define percent slip and speed regulation.

9. Explain how the direction of a three-phase motor is reversed.

10. Describe the component parts and operating characteristics of a three-phase wound-rotor induction motor.

11. Describe the component parts and operating characteristics of a three-phase synchronous motor.

12. Define torque, starting current, and armature reaction as they apply to DC motors.

13. Explain how the direction of rotation of a DC motor is changed.

14. Describe the design and characteristics of a DC shunt, series, and compound motor.

15. Describe dual-voltage motors and their applications.

16. Describe the methods for determining various motor connections.

17. Describe general motor protection requirements as delineated in the NEC®.

#### **C. Module 26203-03. Grounding**

1. Explain the purpose of grounding and the scope of NEC Article 250.

2. Distinguish between a short circuit and a ground fault.

3. Define the NEC® ground-related terms.

4. Distinguish between system grounding and equipment grounding.

5. Use NEC® Table 250.66 to size the grounding electrode conductor for various AC systems.

6. Explain the NEC® requirements for the installation and physical protection of grounding electrode conductors.

7. Explain the function of the grounding electrode system and determine which grounding electrodes must be used.

8. Define electrodes and explain the resistance requirements for electrodes using NEC® Section 250.56.

9. Use NEC® Table 250.122 to size the equipment grounding conductor for raceways and equipment.

10. Explain the function of the main bonding jumper in the grounding system and size the main bonding jumper for various applications.

11. Size the main bonding jumper for a service utilizing multiple service disconnecting means.

12. Explain the NEC® requirements for bonding of enclosures and equipment.

13. Explain the NEC® requirements for grounding of enclosures and equipment.

14. Explain effectively grounded and its importance in clearing ground faults and short circuits.

15. Explain the purposes of the grounded conductor (neutral) in the operation of overcurrent devices.

16. Explain the NEC® requirements for grounding separately-derived systems, including transformers and generators.

17. Explain the NEC® requirements for grounding at more than one building.

18. Explain the NEC® grounding requirements for systems over 600 volts.

#### D. Module 26204-03. Conduit Bending

1. Describe the process of conduit bending using power tools.

2. Identify all parts of popular electric and hydraulic benders.

3. Avoid excessive waste when working with conduit systems.

4. Bend offsets, kicks, saddles, segmented, and parallel bends.

5. Explain the requirements of the NEC® for bending conduit.

6. Compute the radius, degrees in bend, developed length, and gain for conduit up to 6 inches.

7. Explain how to correct damaged conduit and modify existing bends.

#### E. Module 26205-03. Boxes and Fittings

1. Describe the different types of nonmetallic and metallic boxes.

2. Understand the NEC® requirements for box fill.

3. Calculate the required box size for any number and size of conductors.

4. Explain the NEC® regulations for volume required per conductor in outlet boxes.

5. Properly locate, install, and support boxes of all types.

6. Describe the NEC® regulations governing pull and junction boxes.

7. Explain the radius rule when installing conductors in pull boxes.

8. Understand the NEC® requirements for boxes supporting lighting fixtures.

9. Describe the purpose of conduit bodies and Type FS boxes.

10. Install the different types of fittings used in conjunction with boxes.

11. Describe the installation rules for installing boxes and fittings in hazardous areas.

12. Explain how boxes and fittings are selected and installed.

13. Describe the various types of box supports.

#### F. Module 26206-03. Conductor Installations

1. Describe the various methods of installing conductors in conduit.

2. Plan and set up for a cable pull.

3. Understand the importance of selecting the proper location for cable pulls.

4. Describe how cable reels are transported to the pulling site.

5. Set up reel stands and spindles for a wire-pulling installation.

6. Explain how mandrels, swabs, and brushes are used to prepare conduit for conductors.

7. Properly install a pull line for a cable-pulling operation.

8. Explain the operation of power fish tape systems.

9. Prepare the ends of conductors for pulling.

10. Describe the types of cable pullers.

11. Describe the process of high-force cable pulling.

12. Explain how to support conductors in vertical conduit runs.

13. Describe the installation of cables in cable trays.

14. Explain the importance of communication during a cable-pulling operation.

15. Calculate the probable stress or tension in cable pulls.

#### G. Module 26207-03. Cable Tray

1. Describe the components that make up a cable tray assembly.

2. Explain the methods used to hang and secure cable tray.

3. Describe how cable enters and exits cable tray.

4. Select the proper cable tray fitting for the situation.

5. Explain the NEMA standards for cable tray installations.

6. Explain the NEC® requirements for cable tray installations.

7. Select the required fittings to ensure equipment grounding continuity in cable tray systems.

8. Interpret electrical working drawings showing cable tray fittings.

9. Size cable tray for the number and type of conductors contained in the system.

10. Select rollers and sheaves for pulling cable in specific cable tray situations.

11. Designate the required locations of rollers and sheaves for a specific cable pull.

#### H. Module 26208-03. Conductor Terminations and Splices

1. Describe how to make a good conductor termination.

2. Prepare cable ends for terminations and splices.

3. Install lugs and connectors onto conductors.

4. Train cable at termination points.

5. Explain the role of the NEC® in making cable terminations and splices.

6. Explain why mechanical stress should be avoided at cable termination points.

7. Describe the importance of using proper bolt torque when bolting lugs onto busbars.
8. Describe crimping techniques.
9. Select the proper lug or connector for the job.
10. Describe splicing techniques.
11. Explain how to use hand and power crimping tools.
- I. Module 26209-03. Installation of Electric Services
  1. Describe various types of electric services for commercial and industrial installations.
  2. Read electrical blueprints and diagrams describing service installations.
  3. Calculate and select service-entrance equipment.
  4. Explain the role of the NEC® in service installations.
  5. Install main disconnect switches, panelboards, and overcurrent protection devices.
  6. Identify the circuit loads, number of circuits required, and installation requirements for distribution panels.
  7. Explain the types and purposes of service grounding.
  8. Explain the purpose and required location(s) of ground fault circuit interrupters.
  9. Describe single-phase service connections.
  10. Describe both wye- and delta-connected three-phase services.
- J. Module 26210-03. Circuit Breakers and Fuses
  1. Explain the necessity of overcurrent protection devices in electrical circuits.
  2. Define the terms associated with fuses and circuit breakers.
  3. Describe the operation of a circuit breaker.
  4. Select the most suitable overcurrent device for the application.
  5. Explain the role of the NEC® in specifying overcurrent devices.
  6. Describe the operation of single-element and time-delay fuses.
  7. Explain how ground fault circuit interrupters (GFCIs) can save lives.
  8. Calculate short circuit currents.
  9. Describe troubleshooting and maintenance techniques for overcurrent devices.
- K. Module 26211-03. Contactors and Relays
  1. Describe the operating principles of contactors and relays.
  2. Select contactors and relays for use in specific electrical systems.
  3. Explain how mechanical contactors operate.
  4. Explain how solid-state contactors operate.
  5. Install contactors and relays according to the NEC® requirements.
  6. Select and install contactors and relays for lighting control.
  7. Read wiring diagrams involving contactors and relays.
  8. Describe how overload relays operate.
  9. Connect a simple control circuit.
  10. Test control circuits.
- L. Module 26212-03. Electric Lighting
  1. Explain how the human eye works.
  2. Describe the characteristics of light.

3. Recognize the different kinds of lamps and explain the advantages and disadvantages of each type:
  - a. incandescent;
  - b. fluorescent;
  - c. halogen;
  - d. high-intensity discharge (HID).
4. Properly select and install lamps into lighting fixtures.
5. Recognize and install various types of lighting fixtures:
  - a. surface-mounted;
  - b. suspended;
  - c. recessed;
  - d. track-mounted.

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### **§505. Level Three**

#### **A. Module 26301-02. Load Calculators—Branch and Feeder Circuits**

1. Calculate loads for single-phase and three-phase branch circuits.
2. Size branch circuit overcurrent protection devices (circuit breakers and fuses) for noncontinuous duty and continuous duty circuits.
3. Apply derating factors to size branch circuits.
4. Calculate ampacity for single-phase and three-phase loads.
5. Use load calculations to determine branch circuit conductor sizes.
6. Use NEC® Table 220-19 to calculate residential cooking equipment loads.
7. Select branch circuit conductors and overcurrent protection devices for:
  - a. electric heat;
  - b. air conditioning equipment;
  - c. motors; and
  - d. welders.

#### **B. Module 26302-02. Conductor Selection and Calculations**

1. Select electrical conductors for specific applications.
2. Calculate voltage drop in both single-phase and three-phase applications.
3. Apply NEC® regulations governing conductors to a specific application.
4. Calculate and apply NEC® tap rules to a specific application.
5. Size conductors for the load.
6. Derate conductors for fill, temperature, and voltage drop.
7. Select conductors for various temperature ranges and atmospheres.

#### **C. Module 26303-02. Overcurrent Protection**

1. Apply the key NEC® requirements regarding overcurrent protection.
2. Check specific applications for conformance to NEC® sections that cover short circuit current, fault currents, interrupting ratings, and other sections relating to overcurrent protection.
3. Determine let-through current values (peak and rms) when current-limiting overcurrent devices are used.

4. Select and size overcurrent.
- D. Module 26304-02. Raceway, Box, and Fitting Fill Requirements
  1. Size raceways according to conductor fill and NEC installation requirements.
  2. Size outlet boxes according to NEC® installation requirements.
  3. Size and select pull and junction boxes according to NEC® installation requirements.
  4. Calculate conduit fill using a percentage of the trade size conduit inside diameter (ID).
  5. Calculate the required bending radius in boxes and cabinets.
- E. Module 26305-02. Wiring Devices
  1. Select wiring devices according to the National Electrical Manufacturers' Association (NEMA) classifications.
  2. Size wiring devices in accordance with NEC® requirements.
  3. Discuss the NEMA enclosure classifications.
  4. Follow NEC® regulations governing the installation of wiring devices.
  5. Explain the types and purposes of grounding wiring devices.
  6. Determine the maximum load allowed on specific wiring devices.
- F. Module 26306-02. Distribution Equipment
  1. Describe the purpose of switchgear.
  2. Describe the four general classifications of circuit breakers and list the major circuit breaker ratings.
  3. Describe switchgear construction, metering layouts, wiring requirements, and maintenance.
  4. List NEC® requirements pertaining to switchgear.
  5. Describe the visual and mechanical inspections and electrical tests associated with low-voltage and medium-voltage cables, metal-enclosed busways, and metering and instrumentation.
  6. Describe a ground fault relay system and explain how to test it.
- G. Module 26307-02. Distribution System Transformers
  1. Describe transformer operation.
  2. Explain the principle of mutual induction.
  3. Describe the operating characteristics of various types of transformers.
  4. Connect a multi-tap transformer for the required secondary voltage.
  5. Explain NEC® requirements governing the installation of transformers.
  6. Compute transformer sizes for various applications.
  7. Explain types and purposes of grounding transformers.
  8. Connect a control transformer for a given application.
  9. Size the maximum load allowed on open delta systems.
  10. Describe how current transformers are used in conjunction with watt-hour meters.
  11. Apply capacitors and rectifiers to practical applications.
  12. Calculate the power factor of any given electrical circuit.

- H. Module 26308-02. Lamps, Ballasts, and Components
    1. Recognize incandescent, fluorescent, and high-intensity discharge (HID) lamps and describe how each type of lamp operates.
    2. Recognize ballasts and describe their purpose for use in fluorescent and HID lighting fixtures.
    3. Explain the relationship of Kelvin temperature to the color of light produced by a lamp.
    4. Recognize basic occupancy sensors, photoelectric sensors, and timers used to control lighting circuits and describe how each device operates.
    5. Use troubleshooting checklists to troubleshoot fluorescent and HID lamps and lighting fixtures.
  - I. Module 26309-02. Motor Calculations
    1. Size branch circuits and feeders for electric motors.
    2. Size and select overcurrent protective devices for motors.
    3. Size and select overload relays for electric motors.
    4. Size and select devices to improve the power factor at motor locations.
    5. Size motor short circuit protectors.
    6. Size multi-motor branch circuits.
    7. Size motor disconnects.
  - J. Module 26310-02. Motor Maintenance, Part One
    1. Properly store motors and generators.
    2. Test motors and generators.
    3. Make connections for specific types of motors and generators.
    4. Clean open-frame motors.
    5. Lubricate motors that require this type of maintenance.
    6. Collect and record motor data.
    7. Select tools for motor maintenance.
    8. Select instruments for motor testing.
  - K. Module 26311-02. Motor Controls
    1. Identify contactors and relays both physically and schematically and describe their operating principles.
    2. Identify pilot devices both physically and schematically and describe their operating principles.
    3. Interpret motor control wiring, connection, and ladder diagrams.
    4. Select and size contactors and relays for use in specific electrical motor control systems.
    5. Select and size pilot devices for use in specific electrical motor control systems.
    6. Connect motor controllers for specific applications according to NEC® requirements.
  - L. Module 26312-02. Hazardous Locations
    1. Define the various classifications of hazardous locations.
    2. Describe the wiring methods permitted for branch circuits and feeders in specific hazardous locations.
    3. Select seals and drains for specific hazardous locations.
    4. Select wiring methods for Class I, Class II, and Class III hazardous locations.
    5. Follow NEC® requirements for installing explosionproof fittings in specific hazardous locations.
- AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).
- HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1210 (July 2006).

#### **§507. Level Four**

##### **A. Module 26401-03. Load Calculations—Feeders and Services**

1. Size feeders and services in accordance with NEC® requirements.
2. Calculate loads and ampacities for single-phase and three-phase feeders.
3. Understand and apply derating factors to size feeders.
4. Size feeder overcurrent protection devices (circuit breakers and fuses) for non-continuous duty and continuous duty loads.
5. Understand and apply tap rules.
6. Calculate loads for a retail store with a show window.
7. Calculate loads for an office building.
8. Calculate loads for both single-family and multi-family dwellings.
9. Calculate loads for a restaurant.
10. Calculate loads for hotels and motels.
11. Calculate loads for schools and other institutional projects.
12. Perform feeder and service calculations for farms.
13. Calculate the power and supply feeders for marinas and boatyards.
14. Calculate electric motor loads on feeders.

##### **B. Module 26402-03. Practical Applications of Lighting**

1. Explain how the lighting terms lumen, candlepower, and footcandle relate to one another.
2. Classify lighting fixtures by layout, location, fixture type, and type of service.
3. Identify the basic design configurations of incandescent, fluorescent, and HID lighting fixtures and describe the general lighting pattern (direct, indirect, etc.) produced by each type.
4. Identify the main lighting requirements associated with lighting systems used in selected applications such as office buildings, schools, theaters, etc.
5. Identify the special wiring and dimming system components used with incandescent, fluorescent, and HID lighting systems.
6. Use manufacturer's lighting fixture catalogs to select the appropriate lighting fixtures for specific lighting applications.

##### **C. Module 26403-03. Standby and Emergency Systems**

1. Explain the basic differences between emergency systems, legally required standby systems, and optional standby systems.
2. Describe the operating principles of an engine-driven standby AC generator.
3. Describe the different types and characteristics of standby and emergency generators.
4. Recognize and describe the operating principles of both automatic and manual transfer switches.
5. Recognize the different types of storage batteries used in emergency and standby systems and explain how batteries charge and discharge.
6. For selected types of batteries, describe their characteristics, applications, maintenance, and testing.
7. Recognize double-conversion and single-conversion types of uninterruptible power supplies (UPSs) and describe how they operate.

8. Describe the NEC requirements that pertain to the installation of standby and emergency power systems.

##### **D. Module 26404-03. Basic Electronic Theory**

1. Identify electronic system components.
2. Describe the electrical characteristics of solid-state devices.
3. Describe the basic materials that make up solid-state devices.
4. Describe and identify the various types of transistors, and explain how they operate.
5. Interpret electronic schematic diagrams.
6. Describe and connect diodes.
7. Describe and connect light-emitting diodes (LEDs).
8. Describe and connect silicon-controlled rectifiers (SCRs).
9. Identify the leads of various solid-state devices.

##### **E. Module 26405-03. Fire Alarm Systems**

1. Understand the unique terminology associated with fire alarm systems.
2. Describe the relationship between fire alarm systems and life safety.
3. Identify and explain the role that various codes and standards play in both commercial and residential fire alarm applications.
4. Describe the characteristics and functions of various fire alarm system components.
5. Explain and describe the different types of circuitry that connect fire alarm system components.
6. Describe the theory behind conventional, addressable, and analog fire alarm systems and explain how these systems function.

##### **F. Module 26406-03. Specialty Transformers**

1. Identify power transformer connections.
2. Identify specialty transformers.
3. Size and select buck-and-boost transformers.
4. Connect current and potential transformers.
5. Calculate and install overcurrent protection for specialty transformers.
6. Ground specialty transformers according to NEC® requirements.
7. Size, install, and connect control, shielded, constant-current, and other specialty transformers.
8. Check additive and subtractive polarities.
9. Derate transformers to account for the effects of harmonics.

##### **G. Module 26407-03. Advanced Motor Controls**

1. Select and install solid-state relays for specific applications in motor control circuits.
2. Install non-programmable/programmable motor circuit protectors (solid-state overload relays) in accordance with the manufacturer's instructions.
3. Select and install electromechanical and solid-state timing relays for specific applications in motor control circuits.
4. Recognize the different types of reduced-voltage starting motor controllers and describe their operating principles.
5. Connect and program adjustable frequency drives to control a motor in accordance with the manufacturer's instructions.

6. Demonstrate and/or describe the special precautions used when handling and working with solid-state motor controls.

7. Recognize common types of motor braking and explain the operating principles of motor brakes.

8. Perform preventive maintenance and troubleshooting tasks in motor control circuits.

H. Module 26408-03. HVAC Controls

1. Identify the major mechanical components common to all HVAC systems.

2. Explain the function of a thermostat in an HVAC system.

3. Describe different types of thermostats and explain how they are used.

4. Demonstrate the correct installation and adjustment of a thermostat using proper siting and wiring techniques.

5. Explain the basic principles applicable to all control systems.

6. Identify the various types of electromechanical and electronic HVAC controls, and explain their function and operation.

7. State the NEC® requirements applicable to HVAC controls.

I. Module 26409-03. Heat Tracing and Freeze Protection

1. Identify and describe the purpose for electric heat tracing equipment used with pipelines and vessels.

2. Select, size, and install electric heat tracing equipment on selected pipelines and vessels in accordance with the manufacturer's instructions and NEC® requirements.

3. Identify and describe the purpose for electric heating equipment used with roof, gutter, and downspout de-icing systems.

4. Select, size, and install selected roof, gutter, and downspout de-icing systems in accordance with the manufacturer's instructions and NEC® requirements.

5. Identify and describe the purpose for electric heating equipment used with snow-melting and anti-icing systems.

6. Select, size, and install selected snow-melting and anti-icing systems in accordance with the manufacturer's instructions and NEC® requirements.

7. Identify and describe the purpose for electric heat tracing equipment used with domestic hot-water temperature maintenance systems.

8. Select, size, and install selected electric heat traced domestic hot-water systems in accordance with the manufacturer's instructions and NEC® requirements.

9. Identify and describe the purpose for electric floor heating/warming systems.

10. Select, size, and install selected electric floor heating/warming systems in accordance with the manufacturer's instructions and NEC® requirements.

J. Module 26410-03. Motor Maintenance, Part Two

1. Test motor winding resistance.

2. Select and use motor testing equipment.

3. Clean and test open frame motors.

4. Clean, dry, and test motors that have been subjected to water damage.

5. Troubleshoot and repair electric motors.

K. Module 26411-03. High Voltage Terminations/Splices

1. Select proper materials and tools for high-voltage terminations and splices.

2. Prepare high-voltage cable for terminations and splices.

3. Complete cable assemblies with terminations and splices.

4. Inspect and test high-voltage terminations and splices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1212 (July 2006).

**Chapter 7. Heating, Ventilation and Air Conditioning Competencies/Objectives**

**§701. Level One**

A. Module 03101-01. Introduction to Heating, Ventilation and Air Conditioning (HVAC)

1. Explain the basic principles of heating, ventilation, and air conditioning.

2. Identify career opportunities available to people in the HVAC trade.

3. Explain the purpose and objectives of an apprentice training program.

4. Describe how certified apprentice training can start in high school.

5. Describe what the Clean Air Act means to the HVAC trade.

B. Module 03102-01. Trade Mathematics

1. Identify similar units of measurement in both the inch-pound (English) and metric systems and know which units are larger.

2. Convert measured values in the inch-pound system to equivalent metric values and vice versa.

3. Express numbers as powers of 10.

4. Determine the powers and roots of numbers.

5. Solve basic algebraic equations.

6. Recognize various geometric figures.

7. Use the Pythagorean theorem to make calculations involving right triangles.

8. Convert decimal feet to feet and inches and vice versa.

C. Module 03103-01. Tools of the Trade

1. Identify and state the use of the following tools:

a. pipe wrenches;

b. torque wrenches;

c. tinner's and soft-faced hammers;

d. hand cutting snips;

e. hand and power hacksaws;

f. drill press;

g. measuring tools.

2. Describe the general procedures for maintenance of most hand and power tools.

3. Describe or demonstrate the general safety precautions that must be followed when using most hand and power tools.

D. Module 03104-01. Copper and Plastic Piping Practices

1. State the precautions that must be taken when installing refrigerant piping.

2. Select the right tubing for a job.

3. Cut and bend tubing.

4. Safely join tubing by using flare and compression fittings.

5. Determine the kinds of hangers and supports needed for refrigerant piping.

6. State the basic requirements for pressure-testing a system once it has been installed.

E. Module 03105-01. Soldering and Brazing

1. Assemble and operate the tools used for soldering.

2. Prepare tubing and fittings for soldering.

3. Identify the purposes and uses of solder and solder fluxes.

4. Solder copper tubing and fittings.

5. Assemble and operate the tools used for brazing.

6. Prepare tubing and fittings for brazing.

7. Identify the purposes and uses of filler metals and fluxes used for brazing.

8. Braze copper tubing and fittings.

9. Identify the inert gases that can safely be used to purge tubing when brazing.

F. Module 03106-01. Ferrous Metal Piping Practices

1. Identify the types of ferrous metal pipes.

2. Measure the sizes of ferrous metal pipes.

3. Identify the common malleable iron fittings.

4. Cut, ream, and thread ferrous metal pipe.

5. Join lengths of threaded pipe together and install fittings.

6. Describe the main points to consider when installing pipe runs.

7. Describe the method used to join grooved piping.

G. Module 03107-01. Basic Electricity

1. State how electrical power is generated and distributed.

2. Describe how voltage, current, resistance, and power are related.

3. Use Ohm's law to calculate the current, voltage, and resistance in a circuit.

4. Use the power formula to calculate how much power is consumed by a circuit.

5. Describe the differences between series and parallel circuits.

6. Recognize and describe the purpose and operation of the various electrical components used in HVAC equipment.

7. State and demonstrate the safety precautions that must be followed when working on electrical equipment.

8. Make voltage, current, and resistance measurements using electrical test equipment.

H. Module 03108-01. Introduction to Cooling

1. Explain how heat transfer occurs in a cooling system, demonstrating an understanding of the terms and concepts used in the refrigeration cycle.

2. Calculate the temperature and pressure relationships at key points in the refrigeration cycle.

3. Under supervision, use temperature- and pressure-measuring instruments to make readings at key points in the refrigeration cycle.

4. Identify commonly used refrigerants and demonstrate the procedures for handling these refrigerants.

5. Identify the major components of a cooling system and explain how each type works.

6. Identify the major accessories available for cooling systems and explain how each type works.

7. Identify the control devices used in cooling systems and explain how each type works.

8. State the correct methods to be used when piping a refrigeration system.

I. Module 03109-01. Introduction to Heating

1. Explain the three methods by which heat is transferred and give an example of each.

2. Describe how combustion occurs and identify the by-products of combustion.

3. Identify the various types of fuels used in heating.

4. Identify the major components and accessories of a forced-air furnace and explain the function of each component.

5. State the factors that must be considered when installing a furnace.

6. Identify the major components of a gas furnace and describe how each works.

7. With supervision, use a manometer to measure and adjust manifold pressure on a gas furnace.

8. Identify the major components of an oil furnace and describe how each works.

9. Describe how an electric furnace works.

10. With supervision, perform basic furnace preventive maintenance procedures such as cleaning and filter replacement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1213 (July 2006).

**§703. Level Two**

A. Module 03201-01. Air Distribution Systems

1. Describe the airflow and pressures in a basic forced-air distribution system.

2. Explain the differences between propeller and centrifugal fans and blowers.

3. Identify the various types of duct systems and explain why and where each type is used.

4. Demonstrate or explain the installation of metal, fiberboard, and flexible duct.

5. Demonstrate or explain the installation of fittings and transitions used in duct systems.

6. Demonstrate or explain the use and installation of diffusers, registers, and grilles used in duct systems.

7. Demonstrate or explain the use and installation of dampers used in duct systems.

8. Demonstrate or explain the use and installation of insulation and vapor barriers used in duct systems.

9. Identify the instruments used to make measurements in air systems and explain the use of each instrument.

10. Make basic temperature, air pressure, and velocity measurements in an air distribution system.

B. Module 03202-01. Chimneys, Vents, and Flues

1. Describe the principles of combustion and explain complete and incomplete combustion.

2. Describe the content of flue gas and explain how it is vented.

3. Identify the components of a furnace vent system.

4. Describe how to select and install a vent system.

5. Perform the adjustments necessary to achieve proper combustion in a gas furnace.

6. Describe the techniques for venting different types of furnaces.

7. Explain the various draft control devices used with natural-draft furnaces.

C. Module 03203-01. Maintenance Skills for the Service Technician

1. Identify the types of threaded and non-threaded fasteners and explain their use.
2. Install threaded and non-threaded fasteners.
3. Identify the types of gaskets, packings, and seals and explain their use.
4. Remove and install gaskets, packings, and seals.
5. Identify the types of lubricants and explain their use.
6. Use lubrication equipment to lubricate motor bearings.
7. Identify the types of belt drives and explain their use.
8. Demonstrate and/or explain procedures used to install or adjust a belt drive.
9. Identify the types of couplings and explain their use.
10. Demonstrate and/or explain procedures used to remove, install, and align couplings.
11. Identify the types of bearings and explain their use.
12. Explain causes of bearing failures.
13. Demonstrate and/or explain procedures used to remove and install bearings.
14. Perform basic preventive maintenance inspection and cleaning procedures.
15. List work and personal habits that contribute to good customer relations.
16. Identify steps in the handling of a typical service call that will contribute to good customer relations.
17. Legibly fill out forms used for installation and service calls.

D. Module 03204-01. Alternating Current

1. Describe the operation of various types of transformers.
2. Explain how alternating current is developed and draw a sine wave.
3. Identify single-phase and three-phase wiring arrangements.
4. Explain how phase shift occurs in inductors and capacitors.
5. Describe the types of capacitors and their applications.
6. Explain the operation of single-phase and three-phase induction motors.
7. Identify the various types of single-phase motors and their applications.
8. Use a wattmeter, megger, capacitor analyzer, and chart recorder.

9. Test inductors and capacitors using an ohmmeter.

10. State and demonstrate the safety precautions that must be followed when working with electrical equipment.

E. Module 03205-01. Basic Electronics

1. Explain the basic theory of electronics and semiconductors.
2. Explain how various semiconductor devices such as diodes, LEDs, and photo diodes work, and how they are used in power and control circuits.
3. Identify different types of resistors and explain how their resistance values can be determined.

4. Describe the operation and function of thermistors and cad cells.

5. Test semiconductor components.

6. Identify the connectors on a personal computer.

F. Module 03206-01. Electric Heating

1. Describe and explain the basic operation of a fan coil equipped with electric heating elements.

2. Identify and describe the functions of major components of a fan coil equipped with electric heating elements.

3. Identify and describe the functions of electric heating controls.

4. Measure resistances and check components and controls for operation and safety.

5. Determine the cubic feet per minute (cfm) using the temperature rise method.

6. Describe and explain the basic operation of other electric heating systems.

G. Module 03207-01. Introduction to Control Circuit Troubleshooting

1. Explain the function of a thermostat in an HVAC system.

2. Describe different types of thermostats and explain how they are used.

3. Demonstrate the correct installation and adjustment of a thermostat using proper siting and wiring techniques.

4. Explain the basic principles applicable to all control systems.

5. Identify the various types of electromechanical, electronic, and pneumatic HVAC controls, and explain their function and operation.

6. Describe a systematic approach for electrical troubleshooting of HVAC equipment and components.

7. Recognize and use equipment manufacturer's troubleshooting aids to troubleshoot HVAC equipment.

8. Exhibit competence in isolating electrical problems to faulty power distribution, load, or control circuits.

9. Identify the service instruments needed to troubleshoot HVAC electrical equipment.

10. Make electrical troubleshooting checks and measurements on circuits and components common to all HVAC equipment.

H. Module 03208-01. Accessories and Optional Equipment

1. Explain how heat transfer by conduction, convection, radiation, and evaporation relates to human comfort.

2. Explain why it is important to control humidity in a building.

3. Recognize the various kinds of humidifiers used with HVAC systems and explain why each is used.

4. Demonstrate or describe how to install and service the humidifiers used in HVAC systems.

5. Recognize the kinds of air filters used with HVAC systems and explain why each is used.

6. Demonstrate or describe how to install and service the filters used in HVAC systems.

7. Use a manometer or differential pressure gauge to measure the friction loss of an air filter.



8. Identify accessories commonly used with air conditioning systems to improve indoor air quality and reduce energy cost, and explain the function of each.

I. Module 03209-01. Metering Devices

1. Explain the function of metering devices.  
2. Describe the operation of selected metering devices and expansion valves.

3. Identify types of thermal expansion valves (TXVs).

4. Describe problems associated with replacement of TXVs.

5. Describe the procedure for installing and adjusting selected TXVs.

J. Module 03210-01. Compressors

1. Identify the different kinds of compressors.

2. Demonstrate or describe the mechanical operation for each type of compressor.

3. Demonstrate or explain compressor lubrication methods.

4. Demonstrate or explain methods used to control compressor capacity.

5. Demonstrate or describe how compressor protection devices operate.

6. Perform the common procedures used when field servicing open and semi-hermetic compressors:

- a. shaft seal removal and installation;
- b. valve plate removal and installation;
- c. unloader adjustment.

7. Demonstrate the procedures used to identify system problems that cause compressor failures.

8. Demonstrate the system checkout procedure performed following a compressor failure.

9. Demonstrate or describe the procedures used to remove and install a compressor.

10. Demonstrate or describe the procedures used to clean up a system after a compressor burnout.

K. Module 03211-01. Heat Pumps

1. Describe the principles of reverse-cycle heating.

2. Identify heat pumps by type and general classification.

3. List the components of heat pump systems.

4. Demonstrate heat pump installation and service procedures.

5. Identify and install refrigerant circuit accessories commonly associated with heat pumps.

6. Analyze a heat pump control circuit.

L. Module 03212-01. Leak Detection, Evacuation, Recovery, and Charging

1. Identify the common types of leak detectors and explain how each is used.

2. Demonstrate skill in performing leak detection tests.

3. Identify the service equipment used for evacuating a system and explain why each item of equipment is used.

4. Demonstrate skill in performing system evacuation and dehydration.

5. Identify the service equipment used for recovering refrigerant from a system and for recycling the recovered refrigerant, and explain why each item of equipment is used.

6. Demonstrate skill in performing refrigerant recovery.

7. Demonstrate or explain how to use a recycle unit.

8. Identify the service equipment used for charging refrigerant into a system, and explain why each item of equipment is used.

9. Demonstrate skill in charging refrigerant into a system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1214 (July 2006).

**§705. Level Three**

A. Module 03301-02. Planned Maintenance

1. Describe planned maintenance and service procedures required for selected HVAC equipment and components.

2. Develop a planned maintenance and service checklist for selected HVAC equipment and accessories.

3. Perform identified service and maintenance tasks on selected HVAC equipment, components, and accessories.

4. Identify the tools and materials necessary for performing service and maintenance tasks.

5. State the safety practices associated with the servicing of selected HVAC equipment, components, and accessories.

B. Module 03302-02. Troubleshooting Gas Heating

1. Describe the basic operating sequence for natural-draft and induced-draft gas heating equipment.

2. Demonstrate skill in interpreting control circuit diagrams for gas heating systems.

3. Develop a troubleshooting chart for a gas heating system.

4. Identify the tools and instruments used when troubleshooting gas heating systems.

5. Demonstrate skill in using the tools and instruments required for troubleshooting gas heating systems.

6. Isolate and correct malfunctions in gas heating systems.

C. Module 03303-02. Troubleshooting Electric Heating

1. Explain the operating principles of various types of electric heating systems.

2. Describe the ways in which electric heating systems and components are likely to fail.

3. Analyze circuit diagrams to determine the operating sequence of a fan coil equipped with electric heaters.

4. Determine the operating sequence of an electric heater package for a cooling unit or heat pump.

5. Troubleshoot:

- a. electric furnaces;
- b. accessory heater packages;
- c. baseboard heating systems;
- d. duct heaters; and
- e. radiant heating systems.

6. State the safety practices associated with the troubleshooting of selected electric heating systems.

D. Module 03304-02. Troubleshooting Oil Heating

1. Describe the basic operating sequence for oil-fired heating equipment.

2. Demonstrate skill in interpreting control circuit diagrams for oil heating systems.

3. Develop a troubleshooting chart for an oil heating system.

4. Identify the tools and instruments used in troubleshooting oil heating systems.

5. Demonstrate skill in using the tools and instruments required for troubleshooting oil heating systems.

6. Isolate and correct malfunctions in oil heating systems.

7. Describe the safety precautions that must be taken when servicing oil heating systems.

E. Module 03305-02. Troubleshooting Cooling

1. Describe a systematic approach for troubleshooting cooling systems and components.

2. Isolate problems to electrical and/or mechanical functions in cooling systems.

3. Recognize and use equipment manufacturer's troubleshooting aids to troubleshoot cooling systems.

4. Identify and use the service instruments needed to troubleshoot cooling systems.

5. Successfully troubleshoot selected problems in cooling equipment.

6. State the safety precautions associated with cooling troubleshooting.

F. Module 03306-02. Troubleshooting Heat Pumps

1. Describe the basic operating sequence for an air-to-air heat pump.

2. Demonstrate skill in interpreting control circuit diagrams for heat pumps.

3. Develop a troubleshooting chart for a heat pump.

4. Identify the tools and instruments used in troubleshooting heat pumps.

5. Demonstrate skill in using the tools and instruments required for troubleshooting heat pumps.

6. Isolate and correct malfunctions in heat pumps.

7. Describe the safety precautions associated with servicing heat pumps.

G. Module 03307-02. Troubleshooting Accessories

1. Describe a systematic approach for troubleshooting HVAC system accessories.

2. Exhibit competence in isolating problems to electrical and/or mechanical functions of HVAC system accessories.

3. Recognize and use equipment manufacturer's troubleshooting aids to troubleshoot HVAC system accessories.

4. Identify and properly use the service instruments needed to troubleshoot HVAC system accessories.

5. Successfully troubleshoot problems in selected HVAC system accessories.

6. State the safety precautions associated with the troubleshooting of HVAC accessories.

H. Module 03308-02. Troubleshooting Electronic Controls

1. Describe the similarities and differences between electronic controls and conventional controls.

2. Analyze circuit diagrams and other manufacturer's literature to determine the operating sequence of microprocessor-controlled systems.

3. Use standard and special test equipment to test a microprocessor-controlled comfort system.

I. Module 03309-02. Hydronic Heating and Cooling Systems

1. Explain the terms and concepts used when working with hot-water heating, steam heating, and chilled-water cooling systems.

2. Identify the major components of hot-water heating, steam heating, chilled-water cooling, and dual-temperature water systems.

3. Explain the purpose of each component of hot-water heating, steam heating, chilled-water cooling, and dual-temperature water systems.

4. Demonstrate the safety precautions used when working with hot-water/chilled-water systems.

5. Demonstrate or describe how to operate and balance selected hot-water and chilled-water systems.

6. Describe the basic steam heating cycle.

7. Demonstrate or describe how to safely perform selected operating procedures on low-pressure steam boilers and systems.

8. Demonstrate or describe how to install and maintain selected steam traps.

9. Identify the common piping configurations used with hot-water heating, steam heating, and chilled-water cooling systems.

10. Explain the principles involved, and describe the procedures used, in balancing hydronic systems.

11. Select, calibrate, and properly use the tools and instruments needed to balance hydronic systems.

12. Read the pressure across a water system circulating pump.

J. Module 03310-02. Airside Systems

1. Explain the operating principles of different types of commercial air systems.

2. Identify the components that make up a commercial air system.

3. Describe the functions of commercial air systems and their components.

4. Identify the type of building in which a particular type of system is used.

5. Explain the typical range of capacities for a commercial air system.

K. Module 03311-02. Air Properties and Air System Balancing

1. Explain the gas laws (Dalton, Boyle, and Charles) used when dealing with air and its properties.

2. Explain how the properties of air relate to one another.

3. Use a psychrometric chart to evaluate air properties and changes in air properties.

4. Explain the principles involved in the balancing of air distribution systems.

5. Define common terms used by manufacturers when describing grilles, registers, and diffusers.

6. Identify and use the tools and instruments needed to balance air distribution systems.

7. Demonstrate and/or describe the general procedures used to balance air distribution systems.

8. Demonstrate and/or describe the methods used to change the speed of air distribution system supply fans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1216 (July 2006).

**§707. Level Four**

**A. Module 03401-03. Construction Drawings and Specifications**

1. Read blueprints and architect's plans.
2. Compare mechanical plans with the actual installation of duct run fittings and sections.
3. Interpret specification documents and apply them to the plans.
4. Interpret shop drawings and apply them to the plans and specifications.
5. Develop cut lists for duct runs as shown on shop drawings and develop elevations of installations.
6. Describe a submittal, its derivation, routing, and makeup.
7. Develop a field set of as-built drawings.
8. Identify the steps required for transferring design information to component production.
9. Identify, develop, and complete takeoff sheets.
10. List and classify materials most commonly used in HVAC systems.
11. Complete takeoff procedures for HVAC systems.

**B. Module 03402-03. Indoor Air Quality**

1. Explain the need for good indoor air quality.
2. Recognize the symptoms of poor indoor air quality.
3. Perform an inspection/evaluation of a building's structure and equipment for potential causes of poor indoor air quality.
4. Identify the causes and corrective actions used to remedy the more common indoor air problems.
5. Recognize the HVAC equipment and accessories that are used to sense, control, and/or enhance indoor air quality.
6. Use selected test instruments to measure or monitor the quality of indoor air.
7. Demonstrate and/or describe the general procedures used to clean HVAC air system ductwork and components.

**C. Module 03403-03. Energy Conservation Equipment**

1. Recognize selected air-to-air heat exchangers and describe how they operate.
2. Recognize selected condenser heat recovery systems and explain how they operate.
3. Recognize a coil energy recovery loop and explain how it operates.
4. Recognize a heat pipe heat exchanger and explain how it operates.
5. Recognize thermosiphon heat exchangers and explain how they operate.
6. Recognize a twin tower enthalpy recovery loop system and explain how it operates.
7. Recognize airside and waterside economizers and explain how each type operates.
8. Recognize selected steam system heat recovery systems and explain how they operate.
9. Recognize an ice bank-type off-peak hours energy reduction system.
10. Demonstrate and/or describe how to operate selected energy conversion equipment.

**D. Module 03404-03. Building Management Systems**

1. Define a building management system.
2. Explain the operation of a basic direct digital controller.
3. Demonstrate familiarity with the terms commonly used in discussing control loops and building management systems.
4. Identify the major components of a building management system and describe how they fit together.
5. Recognize the type of information available on a typical front-end computer screen for a building management system.
6. Describe the typical steps required to install a building management system.
7. Understand how to install typical sensors, actuators, power wiring, and communication wiring.
8. Recognize what programming a building management system entails.

**E. Module 03405-03. Water Treatment**

1. Explain the reasons why water treatment programs are needed.
2. Recognize symptoms in heating/cooling systems that indicate a water problem exists.
3. Describe the types of problems and related remedies associated with water problems that can occur in the different types of water and steam systems.
4. Recognize and perform general maintenance on selected mechanical types of HVAC equipment that are used to control and/or enhance water quality.
5. Use commercial water test kits to test water quality in selected water/steam systems.
6. Perform an inspection/evaluation of a cooling tower or evaporative condenser to identify potential causes and/or existing conditions that indicate water problems.
7. Demonstrate and/or describe the general procedures used to clean open recirculating water systems and related cooling towers.
8. Demonstrate and/or describe the general procedures used to inspect, blowdown, and clean steam boilers.

**F. Module 03406-03. System Startup and Shutdown**

1. Demonstrate and/or describe how to prepare a boiler for dry storage.
2. Demonstrate and/or describe how to prepare a boiler for wet storage.
3. Demonstrate and/or describe how to clean, start up, and shut down a steam boiler.
4. Demonstrate and/or describe how to clean, start up, and shut down a hot-water boiler.
5. Demonstrate and/or describe how to start up and shut down a reciprocating liquid chiller and related water system.
6. Demonstrate and/or describe how to start up and shut down a selected centrifugal or screw liquid chiller and related water system.
7. Demonstrate and/or describe how to start up and shut down an air handler and related forced-air distribution system.
8. Demonstrate and/or describe how to test compressor oil for acid contamination.

9. Demonstrate and/or describe how to add or remove oil from a semi-hermetic or open reciprocating compressor.

10. Demonstrate and/or describe how to inspect and clean shell and tube condensers/evaporators and other water-type heat exchangers.

G. Module 03407-03. Heating and Cooling System Design

1. Identify and describe the steps in the system design process.

2. From blueprints or an actual job site, obtain information needed to complete heating and cooling load estimates.

3. Identify the factors that affect heat gains and losses to a building and describe how these factors influence the design process.

4. With instructor supervision, complete a load estimate to determine the heating and/or cooling load of a building.

5. State the principles that affect the selection of equipment to satisfy the calculated heating and/or cooling load.

6. With instructor supervision, select heating and/or cooling equipment using manufacturers' product data.

7. Recognize the various types of duct systems and explain why and where each type is used.

8. Demonstrate the effect of fittings and transitions on duct system design.

9. Explain the use and installation of diffusers, registers, and grilles used in duct systems.

10. Demonstrate the use of a friction loss chart to size round duct.

11. Demonstrate the use of duct sizing tables to size rectangular duct.

12. Explain or demonstrate the use and installation of insulation and vapor barriers used in duct systems.

13. Apply proper design principles to the selection and installation of refrigerant and condensate piping.

14. Estimate the electrical load for a building and calculate the effect of the comfort system on the electrical load.

H. Module 03408-03. Commercial and Industrial Refrigeration

1. Recognize the different types of refrigerated coolers and display cases. For each type, give its common application.

2. Compare the basic components used in commercial/industrial refrigeration systems with those used in comfort air conditioning systems.

3. Recognize single, multiple, and satellite compressor systems. Describe the applications, installation considerations, and advantages and disadvantages of each type.

4. Recognize packaged condensing units and unit coolers. Describe their applications, operation, and installation considerations.

5. Recognize two-stage compressors. Explain their operation and applications.

6. Recognize the various accessories used in commercial refrigeration systems. Explain why each is used and where it should be installed in the system.

7. Recognize the various refrigeration control devices. Explain the purpose of each type and how it works.

8. Describe the various methods used to defrost evaporators.

9. Recognize ice cube and ice flake making machines. Describe their operation and installation considerations.

10. Describe the characteristics and properties of the refrigerants and oils being used to replace CFC refrigerants and mineral oils in existing systems.

11. Demonstrate or describe the general procedure for retrofitting a CFC refrigeration system to use an HCFC or HFC refrigerant.

12. Recognize basic ammonia refrigeration systems. Compare the components used in ammonia systems with those used in halocarbon-based refrigerant systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1218 (July 2006).

Weegie Peabody  
Executive Director

0607#006

## RULE

### Board of Elementary and Secondary Education

#### Bulletin 1934—Starting Points Preschool Regulations (LAC 28:XXI.Chapter 5)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1934—Starting Points Preschool Regulations*. In an effort to align all early childhood Pre-Kindergarten programs under the jurisdiction of the Department of Education, the Starting Points Pre-Kindergarten Regulations were revised. These revisions approved at the January 2006 meeting of the state Board of Elementary and Secondary Education (BESE) seek to clarify certain policies.

Revisions include:

- deletion of any reference to non-public schools; and
- clarification of the program monitoring process.

## Title 28

## EDUCATION

### Part XXI. Bulletin 1934 Starting Points Preschool Regulations

#### Chapter 5. Program Structure

##### §501. Health Requirements

A. All children enrolled in the Starting Points Prekindergarten Program must comply with the immunization requirements as established by the Department of Health and Hospitals. All local school systems will administer a vision and hearing-screening test to each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1654 (August 2004), LR 32:1219 (July 2006).

## **§507. Parent Involvement**

A. Each school system is required to develop a plan that encourages parent/family participation in the education of their child. The plan must include a program orientation meeting for parents no later than 20 working days after the beginning of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 30:1654 (August 2004), LR 32:1220 (July 2006).

## **§511. Length of School Day and School Year**

The length of the school day and the school year shall follow the provision established in R.S. 17:154.1. The school day that systems operate shall be a full day with a minimum of 360 minutes of instructional time per day exclusive of lunch, recess, and planning. Instructional days will be based upon the school calendar of each local school system with a minimum of 177 days of instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1654 (August 2004), LR 32:1220 (July 2006).

## **§521. Reporting**

A. Each local school system will be required to report data to the Louisiana Department of Education documenting the effectiveness of the program and the progress toward attaining program goals. The school system must also submit a final budget detailing exactly how the allocated funds were spent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:275 (February 2002), LR 30:1655 (August 2004), LR 32:1220 (July 2006).

## **§523. Monitoring**

A. The Department of Education will develop a schedule cycle for on-site visits to monitor program quality. Program compliance with guidelines and implementation of developmentally appropriate practices will be assessed during on-site visits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 27:1685 (October 2001), LR 28:276 (February 2002), LR 30:1655 (August 2004), LR 32:1220 (July 2006).

## **§527. Adherence to Regulations**

A. Local school systems must adhere to all state and federal regulations and guidelines. Failure to do so will result in withdrawal of program funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:254 (February 1999), amended LR 28:276 (February 2002), LR 30:1655 (August 2004), LR 32:1220 (July 2006).

Weegie Peabody  
Executive Director

0607#007

## **RULE**

### **Department of Environmental Quality Office of the Secretary Legal Affairs Division**

#### **DMR Completion Requirement (LAC 33:IX.2701)(WQ065)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.2701 (Log #WQ065).

This rule change will require discharge monitoring reports (DMRs) to be filled out completely before submittal. An incomplete DMR submittal will be considered a violation of the regulations. Incomplete DMR submittals are delaying the evaluation of facility compliance with facility permits for effluent discharges and are adding to the workload of department staff reviewing these submittals. The basis and rationale for this rule are to protect the waters of the state.

This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

### **Title 33**

### **ENVIRONMENTAL QUALITY**

### **Part IX. Water Quality Regulations**

### **Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

### **Chapter 27. LPDES Permit Conditions**

### **§2701. Conditions Applicable to All Permits**

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2703. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. - L.3. ...

4. Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

a. Results of wastewater or effluent monitoring must be reported on a discharge monitoring report (DMR) EPA Form 3320-1, or an approved substitute. The results of monitoring of sludge use or disposal practices shall be reported on forms specified or approved by the administrative authority.

b. - c. ...

d. Discharge monitoring reports shall be completed in accordance with the instructions on EPA Form 3320-1.

L.5. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:724 (June 1997), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2553 (November 2000), LR 28:468 (March 2002), repromulgated LR 30:230 (February 2004), amended LR 30:1676 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431, 2512 (October 2005), LR 32:1220 (July 2006).

Herman Robinson, CPM  
Executive Counsel

0607#036

## **RULE**

### **Office of the Governor Division of Administration Racing Commission**

#### **Total Dissolved Carbon Dioxide Testing (LAC 35:I.1720)**

The Louisiana State Racing Commission hereby amends LAC 35:I.1720 "Total Dissolved Carbon Dioxide Testing" by lowering the post-race allowable levels of, and providing for pre-race testing of, TCO<sub>2</sub> (paragraphs B2-3). The commission finds this action necessary to be consistent with other racing jurisdictions.

### **Title 35 HORSE RACING**

#### **Part I. General Provisions**

#### **Chapter 17. Corrupt and Prohibited Practices**

##### **§1720. Total Dissolved Carbon Dioxide Testing**

A. - B1. ...

2. Blood samples for TCO<sub>2</sub> may be drawn prior to, or after, the race. Samples drawn after the race shall not be drawn earlier than 90 minutes following official post time. Samples drawn pre-race shall be drawn prior to the official post time.

3. The pre- or post-race TCO<sub>2</sub> level in the blood shall not exceed 36.0 milliequivalents per liter (mEq/L).

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000), amended by the Office of the Governor, Division of Administration, Racing Commission LR 32:1221 (July 2006).

Charles A. Gardiner III  
Executive Director

0607#022

## **RULE**

### **Office of the Governor Recreational and Used Motor Vehicle Commission**

#### **Procedure for Adjudications (LAC 46:V.Chapter 47)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., and in accordance with Revised Statutes Title 32, Chapters 4A and 4B, the Office of the Governor, Recreational and Used Motor Vehicle

Commission, the Recreational and Used Motor Vehicle Commission has repealed Chapter 47 and replaced it with new regulations and language.

### **Title 46**

## **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

### **Part V. Automotive Industry**

#### **Subpart 2. Recreational and Used Motor Vehicle Commission**

##### **Chapter 47. Procedure for Adjudications before the Recreational and Used Motor Vehicle Commission**

##### **§4701. Hearing Officer**

###### **A. Designation and Appointment**

1. The positions of the executive director and the Administrative Manager III shall have the powers of the hearing officer, unless as otherwise designated by the chairman.

2. In the absence of the executive director or the Administrative Manager III, the chairman shall designate the hearing officer.

###### **B. Power and duties:**

1. may be designated by the chairman to conduct hearings;

2. shall prepare and issue all notices for any hearings;

3. shall consider all relevant evidence in a request for an interlocutory cease and desist order and shall issue that order on the basis of the evidence presented;

4. shall set for hearing all rules to show cause why a cease and desist order should not be issued;

5. shall issue and enforce subpoenas in accordance with R.S. 32:776 C (3);

6. shall render rulings on preliminary matters, such as requests for continuances, requests for recusals, requests for subpoenas, other motions or objections and discovery disputes;

7. shall conduct and make rulings with regard to compliance hearings held in accordance with R.S. 49:961(C);

8. shall consult with the field investigators with regard to the calling of witnesses;

9. shall consult with the field investigators with regard to preparing exhibits for introduction at the hearing;

10. shall assist with the preparation of the findings of fact and conclusions of law and the judgment of the commission, including the delivery or service thereof;

11. shall assist with the preparation of the post-hearing record for any appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1221 (July 2006).

##### **§4703. Hearing Chairman**

A. The chairman of the commission shall designate the commissioner who shall serve as the hearing chairman.

###### **B. Authority and duties:**

1. may review and rule on preliminary matters prior to the adjudication;

2. shall preside over adjudications held before the commission and shall conduct them accordingly;

3. may administer oaths to witnesses;

4. shall make findings and/or rulings with regard to evidentiary matters presented during the course of the hearing;

5. shall only vote to resolve a split decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1221 (July 2006).

#### **§4705. Hearing Committee**

A. The chairman of the commission shall designate the commissioners who shall serve as the hearing committee.

B. The hearing committee shall consist of a chairman and two other members.

C. The hearing committee shall hear adjudications as selected by the chairman to be heard in accordance with R.S. 49:957.

D. The hearing committee shall issue proposed findings of fact and conclusions of law for presentation to the commission for a final order or judgment.

E. Prior to the presentation of the proposed order to the commission, the proposed order shall be served on the party against whom the order is to be entered at least 15 days prior to the commission's consideration.

F. Any party affected by the proposed order may prepare a written brief which must be filed with the commission within 10 days following receipt of the proposed order, or the affected party may present an oral response at the meeting of the commission where the proposed order will be presented.

G. Parties may waive the requirements of this paragraph by written stipulation, and the commission, in the event there is no contest, may eliminate compliance with this paragraph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1222 (July 2006).

#### **§4707. General Provisions on Hearings**

A. Notice of Hearing. The notice of hearing shall comply with the requirements of R.S. 32:776(C) and R.S. 49:955.

B. Service of Notice. The notice of hearing shall be served:

1. by a field investigator on the licensee either personally or at its place of business on the licensee's employee (if service is made in this manner, the field investigator shall sign the acknowledgment of service); or

2. through the office by certified or registered mail (the return receipt shall serve as acknowledgment of service).

C. Discovery. The Louisiana Code of Civil Procedure, Articles 1420 et seq., shall apply to all requests of discovery. Discovery shall be timely and give a reasonable opportunity to respond.

D. Preliminary Motions and Exceptions. No preliminary motions or exceptions shall be considered by the commission unless filed five days prior to the hearing.

E. Subpoenas

1. Subpoenas shall be issued in accordance with R.S. 32:776(C)(3).

2. Subpoenas may be issued for the purpose of assisting in the investigation of any violation or dispute which is before the commission.

3. Subpoenas for the attendance of witnesses, and/or for the furnishing of information required by the commission and/or for the production of evidence of records of any kinds shall be issued by the hearing officer.

4. Subpoenas shall be served by a field investigator either personally on the witness or at the witness's place of business or abode or by certified mail or registered mail. A return shall be placed in the record designating the manner and date of service as well as the oath the person making the service.

5. Any party to a hearing desiring the attendance of witnesses upon his behalf shall have the right to seek compulsory attendance of such witnesses and the production of relevant documents provided said party has filed a list of names and addresses with the hearing officer at least 10 days prior to the date that the testimony expected to be taken.

6. The party requesting the issuance of a subpoena shall deposit with the hearing officer a sum consistent with R.S. 13:3661(B) to cover the costs of the issuance of the subpoena.

F. Conduct and Order of the Hearing

1. The chairman of the hearing committee shall preside over the conduct of the hearing and may set a reasonable time for the presentation of a matter depending on the nature of the case and the complexity of the issues.

2. The chairman may in his discretion sequester witnesses.

3. The chairman shall make rulings on evidentiary matters keeping in mind that the commission shall not be bound by the technical rules of the evidence and may admit material and relevant evidence. The principles underlying the Louisiana Code of Evidence shall serve as a guide to the admissibility of evidence in hearings before the commission. The specific exclusionary rules and other provisions shall be applied only to the extent that they tend to promote the purposes of proceedings before the commission.

4. The hearing shall begin with any stipulation as to the facts or issues.

5. Witness Examination

a. Witnesses shall be first examined by the presenting attorney or by the hearing officer.

b. Examination shall then be followed by the commissioners.

c. Thereafter, examination may be performed by the licensee or its counsel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1222 (July 2006).

#### **§4709. Hearings on Application Appeals**

A. Any person whose application for license has been denied in accordance with R.S. 32:776(A)(1) shall be provided written notice by certified or registered mail that the application has been denied, the grounds for which the application has been denied and that the applicant has the right to appeal to the commission by making a written request for the appeal within 30 days following the receipt of the denial. No appeals will be considered beyond 30 days from the receipt of the denial.

B. Based on the applicant's written request, the hearing officer will assign the appeal to be heard at the next available commission meeting. Notice of the appeal before

the commission shall be served on the applicant at least five days prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1222 (July 2006).

**§4711. Hearings on Area of Responsibility Disputes under R.S. 32:773.2**

A. Before a dealer can file a notice of intent under R.S. 32:773.2(F) to establish itself as a new dealer, it must provide to the commission written approval from the manufacturer and that the manufacturer has notified its existing dealer that it intends to establish a new dealer.

B. When the commission receives a timely objection in accordance with either R.S. 32:773.2(D)(3)(b) and (F)(4), the commission shall notice the dispute for hearing within 30 days following receipt of the objection; however, the hearing shall not be set any sooner than 10 days prior to the hearing date.

C. The notice of hearing shall apprise each party that there are no violations under consideration and that the commission's duties are only to allow the parties to present their dispute and to make an informed decision on the issues presented.

D. The manufacturer and/or proposed new dealer shall be responsible for presenting evidence showing whether the community can support an additional dealer, whether any change in the area of responsibility would increase competition or be in the public interest, and whether the existing dealer is providing adequate representation.

E. The existing dealer shall be responsible for presenting evidence showing the impact on their business.

F. No summary proceeding shall be allowed with regard to any final orders or judgments of the commission with regard to area of responsibility disputes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1223 (July 2006).

**§4713. Hearings on a Repurchase Demands under R.S. 32:773.2**

A. Prior to noticing a repurchase demand for hearing, the hearing office will determine the following:

1. that the dealer has on file with the commission a franchise agreement, service agreement or letter of authorization from the manufacturer;

2. that the dealer has made a request for repurchase by certified or registered mail within 30 days following the date it ceased to do business or ceased to carry that particular line. The dealer may combine this request with his final inventory;

3. that the dealer has forwarded his final inventory to the manufacturer by certified or registered mail;

4. that a field investigator has verified the existence of the product and has inspected the product.

B. The notice of hearing on the repurchase demand shall be served on all parties, and shall be served, in the case of all recreational products with the exception of marine products, at least 15 days prior to the hearing.

C. The notice of hearing on the repurchase demand for marine products shall be served on all parties at least 21 days prior to the hearing and shall notify the manufacturer of its option to appoint an independent marine surveyor. The marine manufacturer must identify the independent surveyor to the commission at least 10 days prior to the hearing and must furnish the surveyor's report to the commission at least five days prior to the hearing; otherwise, the report and the testimony of the surveyor may be excluded from the hearing at the discretion of the hearing chairman. The commission shall timely forward the identity and report of the independent marine surveyor to the dealer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:776.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Recreational and Used Motor Vehicle Commission, LR 32:1223 (July 2006).

John M. Torrance  
Executive Director

0607#014

**RULE**

**Department of Health and Hospitals  
Board of Chiropractic Examiners**

**Peer Review Committee (LAC 46:XXVII.Chapter 7)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Chiropractic Examiners hereby amends and promulgates additions to Title 46, Part XXVII.Chapter 7 of the Rules governing the Board of Chiropractic Examiners.

The additions create an Impaired Chiropractic Substance Abuse Recovery Program that applies to all chiropractors licensed in the state of Louisiana and allows the Peer Review Committee, which functions under the authority of the Board of Chiropractic Examiners, to manage the newly created program. The amendments to the language of Chapter 7 were made to be consistent with the new additions to Chapter 7.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXVII. Chiropractors**

**Chapter 7. Peer Review Committee**

**§701. Purpose and Composition of Committee**

A. Area Covered—state of Louisiana.

B. Structure. The Peer Review Committee shall function under the Board of Chiropractic Examiners, a state agency created and empowered by the legislature to license and regulate the practice of chiropractic in Louisiana in accordance with R.S. 37:2801 et seq., R.S. 37:1734 and R.S. 49:950 et seq.

C. Purpose. The purpose of the committee is to review, upon request of any party involved including the chiropractic physician himself, any matter relative to the appropriateness of care rendered by any doctor of chiropractic licensed to practice and practicing in the state of Louisiana, as well as, substance abuse impairments.



D.1. Composition of Committee. The committee shall be comprised of five doctors of chiropractic currently licensed by the state of Louisiana and practicing within the state of Louisiana, and appointed by the Louisiana Board of Examiners.

2. All chiropractors chosen to serve on the committee shall attend a peer review school. In that the Board of Examiners will be administering and functioning as an appeals option, its members shall also attend the peer review school. The Board of Examiners shall bear the cost of this special training.

E. Per Diem/Expenses. Committee will be afforded a per diem payment and reimbursement for reasonable expenses incurred as a result of attending review meetings. Per diem shall not exceed \$50 per day plus mileage at the current state rate, all as required by and set forth in R.S. 37:2802.F. Members will be reimbursed only from review fees collected.

F. Who May Submit Claims. Chiropractic physicians, an impaired chiropractic physician requesting his own admittance for review through the substance abuse policy, an interested third party reporting an impaired chiropractic physician, third party reimbursement organizations, patients, professional standards review organizations, health maintenance organizations may request a review if they are directly involved in the claim by the fact of being the patient treated, the doctor administering or receiving payment for treatment or the third-party contracting to pay the claim. This shall also include an impaired chiropractic physician requesting his own admittance for review through the substance abuse policy.

G.1. All costs of administering this program will be borne by the Peer Review Committee out of the fees charged.

2. Any party making a peer review request will be charged a fee to cover the administrative costs of performing the review. The fee will be commensurate with the administrative costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2804.G.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15:964 (November 1989), amended LR 22:192 (March 1996), LR 32:1223 (July 2006).

#### **§702. Guidelines**

A. For the purpose of claims review, this board authorizes the use of the Chiropractic Manual, 2nd Edition, as a reference for assessing the appropriateness of chiropractic health care. Recognizing that it is impossible to set forth specific parameters of care appropriate for each individual case, the board intends this manual to serve only as a general guide for standards of care within the chiropractic profession. Specifically, these guidelines are not meant to provide absolute "cut-off" points for treatment. In assessing appropriateness of care, it is imperative that the reviewer remain sensitive to the normal variants in a chiropractic practice and the necessity for treatment tailored to the specific needs of each individual patient. The level and frequency of treatment implemented should be in accordance with the physical and analytical findings substantiated by the appropriate reports and diagnostic information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2804.G.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 17:968 (October 1991), repromulgated LR 32:1224 (July 2006).

#### **§703. Procedure for Review (Except Those Concerning the Impaired Chiropractic Substance Abuse Recovery Program)**

A. All reviews will be blind reviews. The identity of the patient and treating physician will be unknown to the committee.

B. The review will be conducted upon request by any party as defined in §701.F. Participation will be made available to non-requesting party or parties. Participation by the non-requesting party or parties is not mandatory.

C. No requests for review shall be assessed or actual reviews conducted by the committee unless a quorum is present and participating. Three of the five members shall constitute a quorum.

D. A member of the Board of Examiners appointed for a one-year term by the board shall serve as chairman of the Peer Review Committee and have voting power only in the case of a tie. The board member shall review all final decisions of the Peer Review Committee to insure proper procedure has been followed in the review process.

1. If the board member determines that proper procedure has been followed then the recommendation of the Peer Review Committee stands and any party to the review shall have the appeal options set out in Subsection E. The board member who serves as chairman of the Peer Review Committee shall be recused in the case of appeal to the board.

2. If the board member determines that proper procedure has not been followed, he shall state the violation of procedure in writing and submit same to the Peer Review Committee at which point the case will be reconsidered by the committee.

E. Appeals Process. An appeal of any decision rendered by the Peer Review Committee shall, at the option of the person appealing, either be:

1. submitted to the members of Board of Examiners for review:

a. any person aggrieved by a decision of the Peer Review Committee shall submit to the board within 10 days of receipt of notice of the ruling of the Peer Review Committee a notice of intent to appeal. All notices shall be forwarded via certified mail;

b. upon receipt of the notice of appeal, the board shall notify the opposing party of appeal and schedule a hearing date;

c. the Peer Review Committee will then transfer the record to the board;

d. the appealing party may submit additional evidence or material within 20 days of the hearing and the opposing party may reply within 10 days of the scheduled hearing;

e. the parties may present oral argument to the board at the appeal hearing. Each party will be allowed 20 minutes;

f. the decision of the Board of Chiropractic Examiners shall be final;

2. placed in binding arbitration:

a. arbitration shall be conducted by a committee of three chiropractors; one chosen by the treating chiropractor, one by the insurer, patient, or whoever constitutes the opposite party in dispute, and the third chiropractor chosen by the originally selected two. If no agreement can be reached by the original two chiropractors as to the third, within 10 days of their appointment, the board of examiners shall appoint the third chiropractor within 30 days of receiving notice of such lack of agreement. All parties involved shall agree in advance to abide by the decision of the Arbitration Committee;

b. the aggrieved party shall notify the board of his intent to appeal by binding arbitration within 10 days of receipt of notice of the ruling of the Peer Review Committee. All notices shall be forwarded via certified mail;

c. the board will schedule the appointment of arbitrators giving the appealing and opposing parties 25 days to select an arbitrator, then giving the two arbitrators an additional 10 days to select the third arbitrator;

d. the Arbitration Panel will schedule a hearing within 60 days of the formation of the panel;

e. the Peer Review Committee will forward the record to the Arbitration Committee;

f. the appealing party may submit additional evidence or material within 20 days of the hearing and the opposing party may reply within 10 days of the scheduled hearing;

g. the parties may present oral argument to the Arbitration Committee at the appeal hearing. Each party will be allowed 20 minutes;

h. the decisions of the Arbitration Panel shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2804.G.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 15:964 (November 1989), amended LR 17:968 (October 1991), LR 22:193 (March 1996), LR 32:1224 (July 2006).

#### **§ 704. Procedure for Review of Substance Abuse Policy**

A. The purpose of this policy is to limit alcohol abuse and illegal use of other drugs that are associated with the numerous health, safety, and social problems. The performance of chiropractors may be adversely affected by engaging in substance abuse. This policy, including the prohibitions and provisions therein, will be used to promote and safeguard the public from the consequences of alcohol and drug abuse of the chiropractic profession.

B. The Peer Review Committee may permit an applicant or licensee to actively participate in the Impaired Chiropractic Substance Abuse Recovery Program if:

1. the Peer Review Committee has evidence that the applicant or licensee is impaired, which includes substance abuse;

2. the applicant or licensee has not been convicted of a felony relating to substance abuse, which includes alcohol or drug abuse, in a court of law of the United States or a court of law of any state or territory, or another country;

3. the applicant or licensee enters into a written consent order with the Peer Review Committee for a license with appropriate restrictions and he timely complies with all the terms of the consent order, including making satisfactory progress in the program and adhering to any limitations on

the licensee's practice imposed by the Peer Review Committee to protect the public; and

4. as part of the consent order, the applicant or licensee shall sign a waiver allowing the substance abuse program to release information to the Peer Review Committee if the applicant or licensee does not comply with the requirements of the consent order or the program or is unable to practice or work with reasonable skill or safety.

C. Failure to enter into a consent order pursuant to this Rule shall precipitate the board's right to pursue formal disciplinary action against the applicant or licensee which may result in denial, suspension, or revocation of a license to practice chiropractic after due notice and hearing.

D. Failure to comply with the requirements of the consent order or the substance abuse program or the inability to practice or work with reasonable skill or safety shall result in denial, suspension, or revocation of a license to practice chiropractic after due notice and hearing.

E. The applicant or licensee shall be responsible for any costs associated with the consent order and/or the substance abuse program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2804.G.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 32:1225 (July 2006).

#### **§705. Impaired Chiropractic Substance Abuse Recovery Program**

A. Medical Evaluation. Participant will, at participant's expense, within seven days of agreeing to enroll in the Impaired Chiropractic Substance Abuse Recovery Program (the Program), or as otherwise specified in the Program Specifications in Subsections J and K, enter into an inpatient treatment facility (the "Primary Treatment Facility") approved by the Peer Review Committee, as designated in the Program Specifications, for inpatient assessment and diagnostic evaluation. The program shall be managed under the authority of the Peer Review Committee.

B. Initial Primary Treatment. (Defined as the initial treatment following the evaluation, whether it is inpatient, partial, outpatient or residential). If, upon such medical evaluation participant is diagnosed to be suffering from chemical dependency, substance abuse, or other condition which may impair the participant's capacity to practice chiropractic with reasonable skill and safety to patients, participant will immediately submit to such inpatient evaluation and treatment and/or continuing outpatient treatment and aftercare thereafter as may be prescribed or recommended by addictionologist and treatment team at the Primary Treatment Facility for not less than the treatment period specified in the Treatment Plan. The Peer Review Committee reserves the right to obtain further evaluations from other medical professionals to ensure public safety. Within 48 hours of participant's discharge from primary treatment, participant shall give telephonic notice of such discharge to the program.

C. Continuing Treatment and Aftercare. Participant shall confirm discharge in writing to the Peer Review Committee within five days of discharge from treatment. Such written notice shall be accompanied by a copy of the discharge treatment plan or contract prescribed or recommended by the treatment program for participant's continuing outpatient

care and aftercare and a designation of the name, address and telephone number of participant's primary treating physician for outpatient care and aftercare, which physician shall be knowledgeable in the treatment of chemical dependency. The terms and conditions of any such treatment plan or contract shall be incorporated into, and deemed incorporated in, the program specifications, and any such continuing outpatient care and aftercare program shall continue in effect for not less than one year from the date of participant's discharge from primary treatment or for such other period as may be specified in the treatment plan. The participant will attend weekly continuing care (aftercare) at the program-approved treatment center specified in the treatment plan. If continuing therapy is recommended, therapist must be approved in advance by the Peer Review Committee.

D. Attendance at AA/NA Meetings. Following discharge from primary inpatient treatment, or concurrent with outpatient treatment, participant will attend Alcoholics Anonymous ("AA") and/or Narcotics Anonymous ("NA") meetings at such location and at such frequency as specified in the program specifications. Within two weeks of discharge from primary inpatient evaluation treatment, or as specified by treatment team, participant will give notice to the Peer Review Committee upon obtaining AA and/or NA sponsor(s), which will thereupon be incorporated in the program specifications. The participant will maintain contact with participant's AA and/or NA sponsor(s) a minimum of once per week. The Peer Review Committee may request reports from the sponsor. Participant shall submit monthly verification of participant's attendance at AA/NA meetings, aftercare and facilitated meetings of the participant.

E. Random Drug Screens. Participant must agree that, during the term of this agreement, participant shall be subject and shall voluntarily submit to supervised random drug screens, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the program. Random drug screens will be at least monthly during the first 18 months following discharge from inpatient treatment. At that time, participant and compliance will be evaluated for possible bi-monthly testing. The results of any such testing will be reported directly to the Peer Review Committee. Any and all such testing shall be performed at participant's expense.

F. Employment; Employer's Agreement. The participant will not return to professional employment, on a full-time or part-time basis, until and unless participant's addictionologist at the Primary Treatment Facility advises participant and the Peer Review Committee in writing that, in their professional opinion, the participant's prognosis for continued recovery is good and that participant is capable of practicing chiropractic with reasonable skill and safety to patients. The treating addictionologist must complete and return the Fitness for Duty Form. Participant must have approval from the Peer Review Committee and all employment process must be completed prior to returning to work. Before accepting or engaging in chiropractic practice of any kind, whether as an employee or independent contractor and whether on a full-time or part-time basis, the participant will enter into an agreement with each and any such employer or contractor, in the form and substance prescribed by the Peer Review Committee.

G. Information and Reports. During the term of agreement, the participant will authorize, consent to and cause the following information, reports and notices to be given to the Peer Review Committee, as indicated.

1. Consent to Release of Medical Information. The participant will execute a written authorization and consent for the disclosure to the Peer Review Committee and its representatives of the records, information and opinions of the primary treatment facility, participant's attending physician and counselors at such facility relative to the participant's diagnosis, course of treatment, prognosis, and fitness and ability to practice chiropractic with reasonable skill and safety to patients.

2. Primary Treatment Facility Records. Participant shall authorize physicians and counselors at primary treatment facility to furnish the Peer Review Committee with a written report on participant's diagnosis, course of treatment at the facility, prescribed or recommended care and aftercare, fitness for duty form, and prognosis. Such records should be furnished to the Peer Review Committee within 20 days of discharge.

3. Primary Treatment Physician Records. Participant will authorize and cause participant's primary treating physician to furnish the Peer Review Committee, not less frequently than quarterly during the term of this agreement, with written report on participant's diagnosis, course of treatment and prognosis for continuing recovery.

4. Contact With, Reports to Program. The participant shall keep the Peer Review Committee advised of the participant's current address and employment addresses and telephone numbers, the nature of participant's employment, and participant's course of continuing recovery. The participant shall notify the Peer Review Committee within 24 hours of any change in participant's residence address or employment status or location, and shall furnish written notice of any such change to the Peer Review Committee within five days of any such change.

5. Verification of attendance at AA/NA, aftercare and facilitated meeting shall be submitted on a calendar monthly. Meeting attendance should be verified by initials and calendar received by the Peer Review Committee no later than the tenth of the month.

6. Counselor Progress Reports. Participant will authorize and cause Participant's counselor(s) at the aftercare treatment center designated in the treatment plan to furnish the Peer Review Committee with written reports on participant's progress. Such reports shall be submitted monthly for 12 months following participant's discharge from treatment or for the length of aftercare treatment if more than 12 months.

7. Other forms and records deemed necessary by the Peer Review Committee to fulfill the program will be forwarded to Peer Review Committee.

H. Misconduct. The participant shall not have any misconduct, criminal convictions, or violations of any health care regulations reported to the Peer Review Committee related to this or any other incidents. Any such misconduct, criminal convictions or violations will result in immediate suspension of license.

I. Maintenance of Abstinence. The participant shall maintain complete and total abstinence from the use of controlled substances, alcohol or any other mood-altering,

addictive or dependency inducing substance except as may be prescribed for a bona fide medical condition by a treating physician who is knowledgeable in, and aware of participant's treatment for, chemical dependency. A physician's statement describing the medical condition including medications administered and/or a copy of the prescription for medications obtained for self-administration shall be forwarded immediately and not later than five days after medication is prescribed.

**J. Program Specifications**

1. The participant shall enter a treatment facility for chemical dependency upon the approval of the Peer Review Committee.

2. The participant shall follow all treatment, continuing care or aftercare recommendations as prescribed in Subsections A-G.

3. Additional Program Specifications will be outlined and delineated following discharge from treatment and prior to re-entry to practice.

**K. Post Program Specifications**

1. The participant shall attend AA/NA meetings/week as outlined under Subsections A and D. The participant attendance verification shall be forwarded to the Peer Review Committee monthly.

2. The participant shall insure aftercare reports and all reports outlined under Subsection H are forwarded to the Peer Review Committee monthly. The participant shall have the Peer Review Committee's approval for therapist prior to engaging in recommended therapy.

3. The participant shall submit to random supervised drug screens as described under Subsection F and also when there is cause to question abstinence.

**L. Confidential.** Except as authorized by the participant's response to inquiry by the Chiropractic Licensing Authority of another state or by an employer by which the participant is employed or to which the participant has applied for employment, or pursuant to the rules of order of the court of competent jurisdiction, the records, files and information of the program relative to the participant shall be maintained in confidence and not disclosed to any other person, firm, or entity.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:2804.G

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Chiropractic Examiners, LR 32:1225 (July 2006).

Patricia A. Oliver  
Executive Director

0607#012

**RULE**

**Department of Health and Hospitals  
Board of Dentistry**

**Provisional Licensure for Dental Healthcare Providers  
(LAC 46:XXXIII.128)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly

R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has adopted LAC 46:XXXIII.128.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 1. General Provisions**

**§128. Provisional Licensure for Dental Healthcare  
Workers Providing Gratuitous Services**

A. The Board of Dentistry may grant a provisional license not to exceed 60 days in duration for any dentist or dental hygienist who is in good standing in the state of their licensure and who wishes to provide gratuitous services to the citizens of Louisiana at sites specified by the Department of Health and Hospitals provided:

1. the applicant is verified by the board to be in good standing in the state of licensure where the applicant is licensed;

2. the applicant provides satisfactory documentation to the board that the dental healthcare provider is assigned to provide gratuitous services at sites specified by the Department of Health and Hospitals;

3. the applicant agrees to render services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of dental services within the state of Louisiana.

B. The board may renew this provisional license for no more than an additional 60 days.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(6) and (8) and R.S. 49:953(B)

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 32:1227 (July 2006).

C. Barry Ogden  
Executive Director

0607#027

**RULE**

**Department of Health and Hospitals  
Board of Examiners of Psychologists**

**Change of Address  
(LAC 46:LXIII.903)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists has adopted LAC 46:LXIII.903.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXIII. Psychologists**

**Chapter 9. Licenses**

**§903. Changes of Address**

A. A licensed psychologist shall notify the board within 30 days, with documentation, attesting to any change of mailing and/or home address. This documentation notice shall include the psychologist's full name, license number, and the old and new addresses.

B. Should a psychologist be displaced to a temporary location due to an emergency, the psychologist shall notify the board within 30 days, with documentation attesting to

the temporary change in mailing and/or home address. The documented notice shall include the psychologist's full name, license number, old address and new temporary address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 32:1227 (July 2006).

Bruce K. McCormick, Ph.D., MP  
Chair

0607#086

## **RULE**

### **Department of Health and Hospitals Board of Examiners of Psychologists**

#### **Certificate of Prescriptive Authority (LAC 46:LXIII.403)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists has amended LAC 46:LXIII.403.

## **Title 46**

## **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

### **Part LXIII. Psychologists**

#### **Chapter 4. Certificate of Prescriptive Authority**

#### **§403. Application for Certificate of Prescriptive Authority**

A. - B.3. ...

4. If the license of a psychologist who has applied for a certificate of prescriptive authority is under disciplinary restriction or under investigation due to a complaint having been filed with this board, granting of the certificate of prescriptive authority shall be withheld until such time as the restriction or the investigation has come to conclusion and the license is in good standing status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2371-2378.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 31:70 (January 2005), amended LR 32:1228 (July 2006).

Bruce K. McCormick, Ph.D., MP  
Chair

0607#084

## **RULE**

### **Department of Health and Hospitals Board of Examiners of Psychologists**

#### **Continuing Education (LAC 46:LXIII.Chapter 8)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists has adopted LAC 46:LXIII.808 and amended LAC 46:LXIII.801, 803, 805, 809, 811, and 813.

## **Title 46**

## **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

### **Part LXIII. Psychologists**

#### **Chapter 8. Continuing Education**

#### **§801. Preface**

A. Pursuant to R.S. 37:2357(B) each licensed psychologist is required to complete 30 hours of credit of acceptable continuing education within biennial reporting periods. The continuing education requirements of psychologists are designed to promote their continued familiarization with new developments within the profession. Continuing education offerings shall be at the graduate or post-graduate level in terms of content, quality, organization, and presentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:769 (September 1990), amended LR 19:46 (January 1993), LR 32:1228 (July 2006).

#### **§803. Requirements**

A. Each psychologist is required to complete 30 hours of credit of continuing education within the biennial reporting period.

B. Two of the above 30 hours of credit of continuing education must be within the area of ethics and/or forensic issues.

C. Licensees can accumulate continuing education hours of credit in six primary ways:

1. completion for credit of a graduate level course, sponsored by an acceptable institution of higher education;

2. documentation, by the instructor, of the completion of at least 75 percent of any audited graduate level course which is sponsored by an acceptable institution of higher education;

3. preparation and teaching of a graduate level psychology course in an accredited institution of higher education;

4. completion of continuing education activities conducted or approved by an acceptable institution or organization as defined in LAC 46:LXIII.805.A 1-7;

5. preparation and teaching of a seminar or workshop conducted under the sponsorship of an acceptable institution or organization as defined in LAC 46:LXIII.805.A 1-7; and

6. registered attendance at a professional meeting, conference, or convention which lasts one full day or longer.

D. - D.3 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:770 (September 1990), amended LR 19:46 (January 1993), LR 32:1228 (July 2006).

#### **§805. Acceptable Sponsorship, Offerings and Activities**

A. The board will recognize the following as fulfilling the continuing education requirements:

1. accredited institutions of higher education;

2. hospitals which have approved Regional Medical Continuing Education Centers;

3. hospitals which have APA approved doctoral internship training programs;

4. national, regional, or state professional associations, or divisions of such associations, which specifically offer or approve graduate or post doctoral continuing education training;

5. American Psychological Association (APA) approved sponsors and activities offered by APA (including home study courses);

6. activities sponsored by the Board of Examiners of Psychologists; and

7. activities sponsored by the Louisiana Department of Health and Hospitals or its subordinate units and approved by the chief psychologist of the sponsoring state office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 16:770 (September 1990), amended LR 19:46 (January 1993), LR 22:1131 (November 1996), LR 25:1098 (June 1999), LR 32:1228 (July 2006).

#### **§808. Calculation of Credits Earned**

A. Licensees can earn continuing education hours of credit equal to ten times the credits given for completion of a graduate course, if the course meets the criteria of LAC 46:LXIII.803.D.1-2 and 805.A. (Example: 3 graduate course credits = 30 continuing education hours of credit.)

B. For auditing a graduate course that meets the criteria of LAC 46:LXIII.803.D.1-2 and 805.A, a licensee can earn five times the continuing education hours given for completion of such a course for credit. (Example: 3 graduate course credits = 15 continuing education hours of credit.)

C. Licensees can earn continuing education hours of credit for the preparation and teaching of a graduate level psychology course in an accredited institution of higher education, equal to 15 times the semester credit hours granted students. This continuing education credit may be claimed only once for a course. Subsequent teaching of the same course will not qualify for continuing education credit. (Example: 3 graduate course credits = 45 continuing education hours of credit). If a graduate course is taught by more than one person, the number of continuing education credits calculated shall be divided by the number of presenters.

D. Licensees can earn continuing education hours of credit as specified by the sponsor of continuing education activities which are conducted or approved by an acceptable institution or organization as defined in LAC 46:LXIII.805.A.1-7.

E. Licensees can earn continuing education hours of credit for the preparation and presentation of a workshop which has an acceptable sponsor and otherwise meets the criteria for acceptable continuing education, equal to four times the continuing education credits given participants. This continuing education credit/hours may be claimed only once for the initial presentation of a workshop. Repeated presentations of the same or similar workshops will not qualify for continuing education credit. (Example: 6 continuing education credits given to participants = 24 continuing education hours of credit for sole presenter of a

workshop). If the workshop is presented by more than one person, the number of continuing education hours of credit calculated shall be divided by the number of presenters.

F. Licensees can earn three continuing education hours of credit for registered attendance at a professional meeting, conference, or convention which lasts one full day or longer. However, no more than 12 continuing education hours of credit may be earned this way per biennial period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists LR 32:1229 (July 2006).

#### **§809. Reporting Requirements**

A. Report Form. Each psychologist shall, complete the continuing education report provided by the board. The board will routinely distribute the report form along with its license renewal form.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), amended LR 32:1229 (July 2006).

#### **§811. Extensions/Exemptions**

A. - B. ...

C. Newly licensed psychologists are exempt from continuing education requirements for the remainder of the year for which their license or certification is granted.

D. Licensees approved by the board for emeritus status are exempted from the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2354.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), amended LR 32:1229 (July 2006).

#### **§813. Noncompliance**

A. - B. ...

C. If the licensee fails to meet continuing education requirements by the appropriate date, the license shall be regarded as lapsed beginning July 1 of the year for which the licensee is seeking renewal.

D. The State Board of Examiners of Psychologists shall serve written notice of noncompliance on a licensee determined to be in noncompliance. The notice will invite the licensees to request a hearing with the board or its representative to claim an exemption or to show compliance. All hearings shall be requested by the licensee and scheduled by the board in compliance with any time limitations of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2357.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 19:47 (January 1993), amended LR 32:1229 (July 2006).

Bruce K. McCormick, Ph.D., MP  
Chair

0607#085

## RULE

### Department of Health and Hospitals Board of Massage Therapy

Comprehensive Rule Revisions  
(LAC 46:XLV.Chapters 1-61)

In accordance with the provision of R.S. 37:3551 et seq. and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Massage Therapy has amended the current rules governing this profession. This Rule deletes statutory repetition and adds instructor qualifications.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Massage Therapists

#### Chapter 1. General Provisions

##### §101. General Provisions

A. Under the authority of R.S. 37:3551 et seq., the State Board of Massage Therapy is adopting the following rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapists, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1230 (July 2006).

#### Chapter 3. Definitions

##### §301. Definitions

A. The definitions set forth in R.S. 37:3551 et seq., and R.S. 49:951 et seq., are incorporated herein by reference, with the following additions and supplements, which shall, when used in these rules and regulations, have the following meaning unless the text thereof or the definitions contained in the above-cited statutes clearly indicate otherwise:

*Board*—the Louisiana Board of Massage Therapy.

*Department*—the Department of Health and Hospitals.

*Drape*—towels, gowns, or sheets used to cover clients while massage therapy is being performed.

*Massage Establishment*—any place of business in which massage therapy is practiced by a massage therapist.

*Massage Therapist*—an individual who practices or administers massage therapy to a patron of either gender for compensation. The term shall include a therapeutic massage practitioner, massage technician, masseur, masseuse, body worker, or any derivation of those titles.

*Massage Therapy*—means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The term shall include effleurage (stroking, petrissage (kneading), tapotement (percussion), compression, vibration, friction, active/passive range of motion, shiatsu and accupressure, either by hand, forearm, elbow, foot, or with mechanical appliances, for the purpose of body massage. Massage therapy may include the use of lubricants such as salts, powders, liquids, creams (with the exception of prescriptive or medicinal creams), heat lamps, whirlpool, hot and cold packs, salt glows, or steam cabinet baths. It shall not include electrotherapy, laser therapy, microwave therapy, colonic therapy, injection therapy, or manipulation of the joints. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, shiatsu, body

work, or any derivation of those terms. As used in these rules, the terms "therapy" and "therapeutic" shall not include diagnosis, treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

*Massage Therapy Instructor*—an individual who is licensed as a massage therapist, who possesses credentials satisfactory to the board and who meets the criteria and is certified and approved by the board pursuant to this rule.

*Person*—an individual, corporation, association, or other legal entity.

*Probable Cause*—an apparent state of facts found to exist which would cause a reasonably prudent person to believe that the applicant has committed an act constituting grounds for disciplinary action.

*Professional Massage Therapy Association*—a statewide organization or statewide chapter of an organization:

a. which, either directly or through the parent organization, qualifies as a tax exempt nonprofit organization under 26 U.S.C. §501(c)(6);

b. which, within Louisiana, offers a voting membership to all licensed massage therapists who practice or reside in Louisiana and who maintain their voting membership in good standing;

c. which, within Louisiana, is administered by a governing body composed of officers democratically elected by the organization's voting membership within Louisiana; and

d. which has registered with the board pursuant to Section 701 of these rules and been recognized by the board as satisfying the requirements set forth herein.

*Reflexology*—the manipulation of the superficial tissues of the feet and hands, based on the theory that manipulation of body reflex areas or zones can affect other body functions which the board recognizes as being encompassed within the definition of Massage Therapy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1230 (July 2006).

#### Chapter 9. Code of Ethics

##### §901. Code of Ethics

A. A massage therapist shall:

1. represent their qualifications honestly, including education and professional affiliations, and provide only those services which they are qualified to perform;

2. accurately inform clients, other health care practitioners, and the public of the scope and limitations of their discipline;

3. acknowledge the limitations of and contraindications for massage and bodywork and refer clients to appropriate health professionals;

4. provide therapy only where there is reasonable expectation that it will be advantageous to the client;

5. consistently maintain and improve professional knowledge and competence, striving for professional excellence through regular assessment of personal and professional strengths and weaknesses and through continued education training;

6. conduct their business and professional activities with honesty and integrity, and respect the inherent worth of all persons;

7. refuse to unjustly discriminate against clients or other ethical health professionals;

8. safeguard the confidentiality of all client information, unless disclosure is required by law, court order, or absolutely necessary for the protection of the public;

9. respect the client's right to therapy with informed and voluntary consent;

10. respect the client's right to refuse, modify, or terminate therapy regardless of prior consent given;

11. exercise the right to refuse to treat any person or part of the body for just and reasonable cause;

12. refrain, under all circumstances, from initiating or engaging in any romantic or sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship;

13. respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and the client's reasonable expectations of professional behavior. Practitioners will respect the clients autonomy.

B. Every person licensed as a massage therapist shall subscribe to and practice by the Code of Ethics established by the board. The board shall make copies of the Code of Ethics available to licensees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1230 (July 2006).

## **Chapter 11. Educational Qualifications for Licensure**

### **1101. Educational Qualifications for Licensure**

A. A person desiring to be licensed as a massage therapist shall apply to the board to take the examination provided for in R.S. 37:3557. To be eligible to take the examination, an applicant shall pay the examination fee and shall submit evidence satisfactory to the board that he has met one of the following requirements:

B.1. satisfactory completion of massage therapy studies in a 500 hour minimum supervised course of instruction. The course of instruction must be provided by a proprietary massage therapy school licensed by the State Department of Education or the Board of Regents unless otherwise approved by the board. The minimum 500 hours shall consist of: 325 hours dedicated to the study of basic massage therapy techniques and clinical practicum-related modalities; 125 hours dedicated to the study of anatomy and physiology; and, an additional 50 hours of discretionary related course work, including but not limited to hydrotherapy, business practices and professional ethics, Louisiana Law, Rules and Regulations, health and hygiene, cardiopulmonary resuscitation (CPR) and first aid and Aids/HIV and infectious disease awareness; and

2. in order to satisfactorily complete course requirements to be eligible to sit for the license examination, massage school students must attend at least 90 percent of class hours in each subject matter offered in the supervised course of instruction, as reflected by attendance records taken at the beginning of each class meeting. The Board of Massage Therapy's inspector is authorized to review

attendance and course records and to conduct monitoring as spot site visits, either directly or through a duly authorized designee, to determine whether scheduled classes are being held and whether all students recorded as present are present for the entire class period. If documentation satisfactory to the Board of Massage Therapy of student attendance is not maintained by a massage therapy school or if the documentation includes classes that were not held or shows students as present who were not present for the full class period, the Board of Massage Therapy may deny eligibility to sit for the state board examination to graduates from the student who attended the school during the period that attendance was not adequately or correctly documented;

3. in order to satisfy the requirements of this section, each class hour of each required subject must be taught by an instructor approved by the Board of Massage Therapy for that subject. The Board of Massage Therapy's inspector is authorized to review records and to conduct monitoring and spot site visits, either directly or through a duly authorized designee, to determine whether this requirement is being satisfied. The Board of Massage Therapy may deny eligibility to sit for the license examination to graduates from a non-compliant school who attended the school at the time of such noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1231 (July 2006).

## **Chapter 12. Instructor Qualification**

### **§1201. Instructor Qualification**

A. A person desiring to be approved as a massage therapy instructor of a specific massage therapy technique or clinical practicum-related modality shall submit evidence satisfactory to the Board of Massage Therapy that the applicant has met one of the following:

1. that the person is a currently licensed therapist in good standing with the Board of Massage Therapy; and

2. that the person has lawfully practiced massage therapy for at least four years, or has grandfathered in as stated in Subsection B below; and

3. that the person has completed at least two times the hours of training in which he/she is responsible in the specific module, except that this Subparagraph shall not apply to instruction of basic Swedish and/or relaxation massage therapy.

B. A person may be grandfathered in as an instructor, if the person has:

1. applied for and paid for a license as an instructor on board approved applications within 45 days of promulgation of rule;

2. is currently approved by the Board of Regents; and

3. is a licensed massage therapist currently in good standing with the Board of Massage Therapy.

C. A person desiring to be approved as an instructor of anatomy lecture, physiology lecture, or kinesiology lecture shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. is a licensed massage therapist in good standing with the Board of Massage Therapy and has lawfully practiced massage therapy for at least four years; or



2. has a minimum of an associates or bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in one of the following: anatomy, physiology, kinesiology, sports medicine, exercise physiology, nursing, education with a concentration in biology or a substantially equivalent major; or

3. is a licensed physician (MD), osteopath, chiropractor, or registered nurse.

D. A person desiring to be certified as an instructor of business practices and marketing shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. has a least four years of experience as a full-time practicing massage therapist and owner/operator of a valid massage therapy establishment; or

2. has a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in business, marketing, or a substantially equivalent major.

E. A person desiring to be certified as an instructor of Louisiana Law, and Rules and Regulations, Ethics, pertaining to massage therapy shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. is a licensed massage therapist in good standing with the Board of Massage Therapy and has lawfully practiced massage therapy for a least four years; or

2. holds a valid license to practice law in Louisiana as evidence by a certificate from the Supreme Court of Louisiana that the individual is a member in good standing of a bar of that court.

F. A person desiring to be approved as an instructor of first aid, safety, hygiene or sanitary practices shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. is a licensed massage therapist in good standing with the Board of Massage Therapy and has lawfully practiced massage therapy for at least four years; or

2. is licensed as a registered nurse; or

3. has a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in nursing, or a substantially equivalent major.

G. A person desiring to be certified as an instructor of hydrotherapy shall produce evidence satisfactory to the Board of Massage Therapy that the individual is a licensed massage therapist in good standing with the Board of Massage Therapy and has lawfully practiced massage therapy for at least four years.

H. A person desiring to be approved as an instructor of CPR shall produce evidence satisfactory to the Board of Massage Therapy that the individual has been certified by the American Red Cross or The American Heart Association as an instructor in these topics.

I. A person desiring to be approved as an instructor of AIDS/HIV and infectious disease awareness shall produce evidence satisfactory to the board that the individual has been certified by the Federal Centers for Disease Control and Prevention as an AIDS/HIV counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37: 3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 32:1231 (July 2006).

## **Chapter 13. Examination**

### **§1301. Examination Requirements**

A. Persons seeking a license must first pass a national examination that is:

1. approved and/or accredited by the National Commission for Certifying Agencies, an accrediting arm of the National Organization for Competency Assurance and;

2. approved by the board and has passed the Louisiana State Board Oral examination.

B. In the event that the Louisiana Examination written is used, it may include the following subjects: theory of massage therapy, anatomy, physiology, hydrotherapy, statutes and rules concerning massage, and business ethics.

C. An oral examination may include: clinical situations; statutes and rules; any of the techniques listed in the practical examination.

D. The score necessary to achieve a passing grade for licensure shall be 70 percent or better of 100 percent on both the written and oral parts of the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1232 (July 2006).

## **Chapter 15. License Application Requirements**

### **§1501. License Application Requirements**

A. Applications for Examination. An applicant for examination or re-examination for licensure must submit a completed application that is received by the board postmarked no later than 30 days prior to the examination date. The application must include proof satisfactory to the board that the applicant has satisfied the requirements for eligibility to sit for the examination. The application must include an official transcript from the massage therapy school showing completion of the course of instruction. All incomplete applications will be returned with all fees submitted and the applicant will be deemed unable to sit for the upcoming state licensing examination, unless a complete application is returned within the 30-day limit. All requests for accommodation pursuant to the Americans with Disabilities Act must be made in writing and submitted with the application.

B. Test Procedures and Results. Applicants arriving after the examination has begun will not be admitted. Test results will be mailed within 30 days of the test date. Test results will not be given over the telephone. Where payment for a license is not received by the board or postmarked within 45 days from the date that the results are mailed, the license shall be regarded as null and void and the applicant will be required to reapply and re-test for licensure.

C. Re-Examinations. An applicant who fails a part of the state examination for licensure shall pay fee(s) required to retake only the part of the examination failed.

D. Review Procedures. In the event that the state written examination is given, an applicant is entitled to review his examination questions, answers, papers, grades and the grading key used in the state examination for licensure under such terms and conditions as may be prescribed by the board. Fees for such review of the licensure examination shall be:

1. review of written examination—\$75;
2. review of oral examination—\$75.

E. Board Examination Review Request. If, following review of his examination, an applicant believes that an error was made in the grading of his examination or in the evaluation of his answers, he may request that the board review his examination. Requests for review must be in writing, stating with specificity the reasons why review is requested. The request must be received by the board within 30 days after the applicant has received notice that he failed all or part of examination.

F. Board Examination Review. Upon the receipt of a request for review, the board shall, within 30 days, review the applicant's examination. If the board finds that an error was made, the board will correct the grade received by the applicant to reflect that finding. The applicant shall be notified of the board's action. If an error is found that effects pass/fail status, the board will waive the fees for review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1232 (July 2006).

## **Chapter 17. License and Establishment Registration**

### **§1701. License and Establishment Certificate Renewal**

A. The board will send license renewal forms to the last address given by the licensee to the board in writing. The board will send establishment registration certificate renewal forms to the last address given by the establishment to the board in writing.

B. Renewal applications for licenses and for massage establishments must be received by the board postmarked no later than December 31 of the calendar year. If an application for inactive status or renewal is neither received nor postmarked by this date, the license or registration certificate shall be considered expired.

C. Applications for license renewal must be accompanied by copies of the certificates or letters of attendance showing that the licensee has satisfied board approved continuing education requirements.

D. Incomplete renewal applications will be returned to the licensee and may be subject to late fees.

E. License renewals will be issued only upon confirmation that the licensee is practicing at a massage establishment that is registered pursuant to these rules or qualifies for a statutory exception to the registration requirement. A licensee who provides any massage therapy services for compensation at any point during the calendar year shall be regarded as a practicing licensee.

F. Inactive Status. Those who wish to put their active registration on the inactive list, remaining there for a period not to exceed five years before returning to active practice,

may do so without reexamination or late fees upon submission of an affidavit provided by the board requesting inactive status, which shall attest that they shall not perform massage therapy for compensation within the state of Louisiana while on inactive status. They shall surrender their license and certificate to the board and no license certificate shall be issue while on inactive status. To reinstate to active status the licensee must submit an affidavit provided by the board stating they are returning to active status, pay the current year license renewal fee, and submit proof to the board the licensee has satisfied the CEU requirements that would have been a[pplicable had the licensee been on active status. After five years of inactive status, the licensee shall be considered expired.

G. Any license that is not renewed or placed on inactive status before the licenses has lapsed will be deemed expired and will need administrative approval before the licenses can become active.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3555(A)(1), (A)(4) and (A)(6), 3559, 3561.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1233 (July 2006).

## **Chapter 19. Requirements and Supervision**

### **§1901. Provisional License**

A. Board approval for examination of an applicant who possesses the qualifications specified in R.S. 37:3556(B)(1) shall constitute approval for a provisional license providing the applicant submits the provisional license fee of \$25, submits a form signed by a licensed massage therapist(s) who agrees to supervise the provisional licensee according to R.S. 37:3551 et seq., is not under investigation for any conduct that could result in the denial of licensure, and meets all other qualifications of R.S. 37:3551 et seq. For purposes of this rule, the term "supervise" requires that the supervising massage therapist(s) must be physically in the massage establishment at all times when the provisional licensee is providing massage therapy services.

B. Advertising of massage services rendered by a provisional licensee is prohibited unless such advertisement clearly indicates that the licensee holds a provisional license and is practicing under the supervision of a licensed massage therapist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1233 (July 2006).

## **Chapter 21. Conditional Approval To Take Licensure Examination**

### **§2101. Terms and Conditions**

A. Based upon probable cause, the board may require that the applicant agree to such terms and conditions as the board deems necessary to protect the public health and safety.

B. The terms and conditions the board may impose under this rule are:

1. before receiving a license, the applicant must appear before the board to respond to questions regarding the application;

2. when convicted of a crime, the applicant must submit copies of all available court documents (including a certified copy of the judgment, indictment or information and related documents, including police and probation reports). For purposes of these Rules, a plea of "nolo contendere" to a crime constitutes a conviction of that crime;

3. the applicant must authorize the board to receive and review all records of the applicant's medical, psychiatric, or psychological treatments;

4. the applicant must submit to mental and physical examination by a board approved physician or psychologist;

5. in the event the board grants the applicant a license, the applicant must agree to limit the scope of his practice in such manner as the board may determine necessary to protect the public health and safety;

6. the applicant must agree to receive alcohol, drug abuse, or psychological counseling;

7. the license to practice massage therapy may be issued subject to probation of up to one (1) year in duration;

8. the applicant's practice of massage therapy must be under the supervision of a board approved licensed massage therapist who may be required to make periodic reports to the board regarding the applicant's competence to practice massage therapy; and

9. such other terms and conditions reasonably designed to protect the public health and safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1233 (July 2006).

## **Chapter 25. Massage Establishment Safety and Sanitary Requirements**

### **§2501. Safety and Sanitary Requirements**

A. Sanitary Requirements. Each massage establishment shall be maintained and operated in a safe and sanitary manner. To that end, each massage establishment shall:

1. comply with all state and local building fire and safety code requirements;

2. provide for safe and unobstructed human passage in the public areas of the premises, removal of garbage and refuse and safe storage or removal of flammable materials;

3. maintain on the premises a fire extinguisher in good working condition;

4. exterminate all vermin, insects, termites, and rodents on the premises;

5. maintain all equipment used to perform massage services on the premises in a safe and sanitary condition;

6. launder, before reuse, all materials furnished for the personal use of the customer, such as towels and linens;

7. provide adequate toilet and lavatory facilities. To be adequate, such facilities shall have at least one toilet and one sink with running water. Such facilities shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device such as a wall-mounted electric hand dryer, and waste receptacle. Such facilities and all of the foregoing fixtures and components shall be kept clean, in good repair, well-lighted, and adequately ventilated to remove objectionable odors;

8. adequately maintain shower facilities on the premises if equipped with a whirlpool bath, sauna, steam cabinet and/or steam room;

9. maintain current property damage and bodily injury liability insurance coverage for the establishment with minimum limits of \$1,000,000 per occurrence and require that all licensed massage therapists and provisionally licensed massage therapists practicing at the establishment be covered by professional malpractice coverage with minimum limits of \$1,000,000 per occurrence, with originals or copies of policies or certificates of insurance for all such coverage's to be available on the premises of the establishment;

10. maintain toilet facilities in a common area of the establishment. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within 300 feet of the massage establishment;

11. maintain lavatories for hand cleansing and/or chemical germicides designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.

B. Draping. Each massage establishment shall maintain a sufficient supply of clean drapes for the purpose of draping each client during massage. Before beginning a massage, each massage therapist shall have explained expected draping techniques and provided the client a clean drape for that purpose. In the case of a male client, the gluteal cleft and genitalia must be covered; and, in the case of a female client, breasts, the gluteal cleft, and genitalia must be covered. The board may establish a protocol for any variation from the above described draping procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1234 (July 2006).

## **Chapter 27. Inspection upon Application for Registration of Establishments**

### **§2701. Inspections**

A. Upon receipt of an application for a massage establishment registration certificate, the board may cause an inspection to be made of the site. The board further may make periodic inspections of all massage establishments, including unregistered and/or unlicensed massage establishments.

B. Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy, a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements, review of existing insurance coverage, and review of client history records and billings records.

C. Failure to cooperate with such inspections may lead to disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1234 (July 2006).

**Chapter 29. Notification to Board of Change of Status**  
**§2901. Name, Ownership and/or Location Changes**

A. Massage Establishments—All Changes of Name, Ownership and/or Professional Licensees

1. All changes in name(s) and/or location(s) must be reported to the board in writing within 30 days of occurrence on a form provided by the board.

2. Change in status notification will include situations where a therapist ceases to practice at a given physical location or address.

B. Location must be reported to the board within 30 days in writing, and shall require a new establishment registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1235 (July 2006).

**Chapter 31. Prohibition on Sexual Activity in Massage Establishments and between Therapist and Client**

**§3101. Prohibition of Sexual Activity**

A. All sexual activity by any person or persons in any massage establishment is absolutely prohibited.

B. No massage establishment owner or operator shall engage in or permit any person or persons to engage in sexual activity in that owner or operator's massage establishment or to use that establishment to make arrangements to engage in sexual activity in any other place.

C. No licensed massage therapist shall engage in sexual activity with a current client of the therapist.

D. No licensed massage therapist shall engage in sexual activity with a former client of the therapist within three months after cessation of professional services.

E. As used in this Rule and §5301 of these Rules, "sexual activity" means and includes coital sexual intercourse, anal sexual intercourse, fellatio, cunnilingus, masturbation and acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct. "Sexual activity" further means and includes the purposeful touching of the genitals of another person and the purposeful erotic stimulation of the anus, the male or female nipple, or the female breast, whether through draping or clothing, whether resulting in penetration or orgasm or not, and whether by instrumental manipulation, touching with the hands, or other bodily contact. "Sexual activity" further means and includes any sexual offenses proscribed by the criminal laws of Louisiana including, but not limited to, R.S. 14:83.3 and 83.4.

G. For purposes of this Rule, the term "client" means and includes any person receiving massage therapy services provided for compensation (regardless of the source, recipient or nature of the compensation), and any person receiving massage therapy services that are not provided for compensation either because of indigence or because the massage therapy services were provided within the context

of a community outreach or other public service program. A massage therapist's own spouse is excluded from the term "client" under this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3556(A)(4) and (6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1235 (July 2006).

**Chapter 33. Applications, Issuance of Licenses and Certificates of Registration, Referrals**

**§3301. Procedures**

A. Applications for licensure, registration, or renewal shall be on forms provided by the board and shall be accompanied by the appropriate fees and postmarked on or before December 31, each year.

B. The board shall issue a license to each person qualified as a massage therapist and a registration certificate to each qualified massage establishment. To be qualified for licensure as a massage therapist, an applicant shall have successfully passed the examination provided for in this rule. Such license or certificate grants all professional rights, honors, and privileges relating to the practice of massage therapy.

C. Each licensed massage therapist shall publicly display his license. In addition, each massage establishment shall post, in plain sight, its certificate or registration and the license of each massage therapist who practices in the massage establishment.

D. A license or registration certificate is the property of the board and shall be surrendered upon demand of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3556(A)(4) and (6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1235 (July 2006).

**Chapter 35. Provisional License, Limited Renewal**  
**§3501. Limitations**

A. An applicant who possesses the qualifications specified in these Rules to take the board examination may be granted a provisional license to engage in the practice of massage therapy until the date of the next examination are known.

B. An individual who has been issued a provisional license shall only practice massage therapy under the supervision of a licensed massage therapist.

C. Such provisional license may, at the discretion of the board, be renewed once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3556(A)(4) and (6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1235 (July 2006).

**Chapter 37. Continuing Education**

**§3701. Continuing Education Requirements**

A. Each licensed massage therapist shall complete a minimum of 12 hours each calendar year of Continuing Education Units (CEUs) approved pursuant to §3901 of these rules.

B. The continuing education requirement set forth in Subsection A above shall not apply to a massage therapist during the calendar year in which the therapist is first licensed in Louisiana. The continuing education requirement shall apply to the licensee for every calendar year of licensure thereafter.

C. One hour of continuing education is defined as no less than 50 uninterrupted minutes of instruction, with no credit to be given for introduction of the speaker, meal breaks or business meetings. Sessions of less than 50 minutes but more than 30 minutes shall be counted as 1/2 hour. Instructional sessions of less than 30 minutes shall be disregarded for purposes of counting CEU credits.

D. The board will not grant CEU credit to a therapist for a program that is taken more than twice.

E. Presenters/moderators/instructors of courses shall not receive credit for courses they present.

F. Each year, an application for renewal will be mailed to each licensee at the last address provided to the board. Applicants shall submit a copy of the certificate received to the board. The CEU certificate shall have the providers name and number, the title of the program and the presenters signature, the date, the number of CEU hours, and the licensee's name and license number.

G. Failure of the licensee to satisfy the requirements of this Rule shall be a violation and shall subject the licensee to disciplinary actions pursuant to these Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3555(B)(2) and 3561.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1235 (July 2006).

## **Chapter 39. Requirements for Board Approval of Continuing Education Providers and Programs**

### **§3901. Continuing Education Provider Requirements**

A. Board Approval Requirement. For the purpose of renewing or reinstating a license, credit for Continuing Education Units (CEUs) will be awarded only for providers and programs approved by the board. Each provider must make application for board approval on forms provided by board, submit a fee of \$100 for an initial request for provider approval and \$100 for a bi-annual request for provider renewal, and a fee of \$50 program application and demonstrate that the provider will meet the following requirements.

1. The provider must have approval, in writing, from the board before disseminating any notices that their program is approved for license renewal credit. In the event a provider does advertise approval by board and approval has not been granted in writing, that provider may be subject to a \$1,000 fine and for a two year period no application for approval of continuing education programs by provider will be considered for approval. At the end of that two year period the \$1,000 fine must have been paid before any applications are considered for any future programs by that provider.

B. The continuing education provider must provide in writing, to the board, the name and address of the person responsible for insuring that each program meets the following requirements.

C. Authority to Review and Revoke Approval. The board retains the right and authority to audit and/or monitor CEU providers and/or programs. The board may at any time evaluate any provider and/or program and deny, revoke, and/or decline to renew approval of that provider and/or program for good cause. This right to deny, revoke and/or decline to renew approval includes, but is not limited to, the right to deny, revoke and/or decline to renew approval if the provider has disseminated any false or misleading information in connection with the continuing education program or if the provider has failed to conform to and abide by any governing standards, rules and/or written agreements concerning the provider and/or program.

D. Approved Providers. Subject to Subsection B above, providers may obtain approval from the board upon making application on a form approved by the board, submitting a fee of \$100 for an initial request for provider approval, and demonstrating that the provider will meet the following requirements:

1. The provider must retain a "sign-in sheet" with the signature of participants and copies of any promotional materials for at least four years following each program. The provider must furnish each participant with a certificate or letter of attendance verifying that the program has been completed. The certificate or letter shall not be issued until completion of the program and shall contain the provider's name and number, the title of the program and instructor, the date, the number of CEU hours, and the licensee's name and license number. Within 30 days after the program, the provider must send a copy of the sign-in sheets to the board, together with a listing of the names and addresses of the persons who received a certificate or letter of attendance for the program. A CEU Certificate can not be issued for less than the number of hours approved.

2. Each program presented for Louisiana CEU credits shall be relevant to and focus on massage theory, practice, methods, or laws, regulations and ethical principles pertaining to the practice of massage therapy and shall have stated learning objectives. No Louisiana CEU credits will be approved for programs that include instruction in diagnosis, the treatment of illness or disease, or any service or procedure that otherwise exceeds the scope of massage therapy as defined by R.S. 37:3552(5).

3. Each program presented for Louisiana CEU credits shall be taught by a person who:

a. holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered; or

b.i. has completed at least five years of professional experience in the practice of massage therapy; and

ii.(a). has, within the last three years of professional experience, taught a program in the subject matter at least four times; or,

(b) has completed at least 100 hours of non-entry level education in the subject matter to be offered and has a minimum of two years of professional experience in the subject;

(c). was approved by the board as a presenter prior to January 30, 2002.

4. The provider must provide to the board, in writing, the name and address of the person responsible for ensuring that each program meets the requirements of Paragraphs 1-3 above and said person shall so certify in the application for provider approval.

E. Providers must have approval, in writing, from the board before disseminating any notices that their program is approved for license renewal credit. In the event a provider does advertise approval by the board and approval has not been granted in writing, that the provider may be subject to a fine up to \$1,000 and/or up to a two year period, no application for approval of continuing education programs by that provider will be considered for approval. The fine must be have been paid before any applications are considered for any future programs by that provider.

F. Program Approval. Providers approved pursuant to Subsection A above may obtain approval for all programs to be offered for the full duration of their two-year period as an approved provider. Providers may obtain program approval by making timely application on a form approved by the board, submitting a program fee of \$50 that will cover all programs within the two year period that is exactly the same material presented and the same presenter. The provider must demonstrate that each program and presenter meets the requirements of Subsection A above. The provider may amend the program application at any time during the two-year period to add additional programs and/or presenters after an application has been approved by the state board and a \$50 fee has been paid. Approval for a particular program will be denied if sought later than 45 days before the start of the program.

G. Out-of-State Program Approval. A Louisiana licensee or licensees may request approval of an individual out-of-state program that has not been approved pursuant to the foregoing provisions by submitting 45 days before the date of the program, an application form approved by the board, all materials showing curriculum objectives and Subsection D above and a program review fee of \$50. If the individual licensee is seeking approval for multiple programs offered at a national convention of a professional massage therapy organization, only a single \$50 fee need be paid by the licensee to seek approval for the multiple programs. Approval shall be for the program sessions attended by the Louisiana licensee(s).

H. Other Program Approval. Louisiana licensee or licensees may request approval of a non-standard program that has been approved pursuant to the foregoing provisions. The licensee must submit an application form issued by the board, 45 days before the date of the program, accompanied by a program review fee of \$50. This form may be used to apply for approval for such things as but not limited to, college courses or published works by the therapist, to be used in lieu of CEUs for the given year. Protocols for such proposed programs will be established by the board.

I. Provider Renewal. A certificate from the board approving a provider pursuant to Subsection F above shall be valid for a period of two years from the date that the certificate was issued. During the certificate renewal period, an application for renewal will be mailed to the provider at the last address supplied to the board. In order to obtain renewal of the certificate, the provider must return the completed renewal form to the board on or before the

expiration date of the current certificate, together with a provider renewal fee of \$100. Failure to renew your application by the second anniversary (expiration date) will result in loss of provider status and all programs will become null and void. Failure to abide by the following standards will result in the revocation of the providership for a period of five years.

#### J. Statement as to Approval

1. The provider of a program approved for Louisiana CEU units may announce or indicate in advertising, promotional and other materials as follows :

"Approved by the Louisiana Board of Massage Therapy for a maximum of \_\_\_\_ hours CEUs".

No other statement regarding Louisiana CEU approval may be made in advertising, promotional and/or other materials, included but not limited to, a statement that an application has been to the board for approval or that the provider intends to apply for approval.

2. Providers may offer programs that are not approved pursuant to this Section. However, if a provider offers a program for which approval is not sought, or for which approval has been denied, the provider must announce in all advertising, promotional and other materials concerning the program as follows:

"Not offered for Louisiana State Board of Massage Therapy CEUs".

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3555(B)(2) and 3561.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1236 (July 2006).

### **Chapter 41. Health Data Record Keeping**

#### **§4101. Health Data**

A. Data concerning an individual's health status must be systematically and continuously collected, recorded, and communicated in order to determine therapeutic needs, according to the following criteria.

1. The format for the collection of data must provide for systematic collection, frequent updating, accessibility, and appropriate confidentiality.

2. Data may be collected from the individual, family members, pertinent others and other health care personnel.

3. Client records are to be obtained and reviewed by the licensed therapist to determine if therapeutic massage intervention is.

a. Client records are to be maintained at the registered establishment location in a confidential manner.

b. Client records must be maintained for a minimum of five calendar years. After this period, records may be disposed of in an appropriate and confidential manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 32:1237 (July 2006).

### **Chapter 51. Discipline and Injunctions**

#### **§5101. Discipline and Injunctions**

A. In addition to the above actions and penalties, the board may cause to be issued an injunction without bond enjoining any person from violating or continuing to violate the provisions of R.S. 37:3501 et seq. in any court of competent jurisdiction.

B. In the suit for an injunction, the Board may demand of the defendant a penalty of \$50 per day for each violation, reasonable attorney fees, and the court costs.

C. The judgment for penalty, attorney fees, and court costs may be rendered in the same judgment in which the injunction is made absolute.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3551 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1237 (July 2006).

### **Chapter 53. Misconduct and Negligence in the Practice of Massage Therapy**

#### **§5301. Unprofessional Conduct**

A. The following acts shall constitute misconduct in the practice of massage therapy or incorrect practice of massage for which disciplinary penalties may be imposed:

1. conviction or a finding of guilty in any jurisdiction, regardless of adjudication, of a crime which directly relating to the practice of massage or to the ability to practice massage. Any plea of "nolo contendere" shall be considered a conviction for purposes of this rule; including pleas of guilty, nolo contendere and pleas under La. C.Cr.P. article 893 and 894;

2. false, deceptive, or misleading advertising;

3. aiding, assisting, procuring, or advising any unlicensed person to practice massage therapy. Contrary to this rule or to a rule of the department or the board;

4. engaging in or attempting or offering to engage a client in sexual activity, including any genital contact, where provided under §3101 of these rules;

5. making deceptive, untrue, or fraudulent representations in the practice of massage;

6. practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform;

7. delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them;

8. violating any provision of any rule of the board, or a lawful order of a board hearing, or, failing to comply with a lawfully issued subpoena;

9. operating any massage establishment unless it has been duly licensed as provided herein;

10. operating a massage establishment under a suspended, expired, or revoked license;

11. refusing to permit the board to inspect the business premises of the licensee during regular business hours;

12. practicing massage therapy when a license to practice massage therapy has been expired, revoked, suspended or otherwise acted against, including the denial of licensure by the licensing authority of another state, territory or country;

13. failure to maintain continuing property damage and bodily injury liability insurance in the operation of a massage establishment;

14. failure to perform any statutory or legal obligation placed upon a licensed massage therapist;

15. inability to practice massage with reasonable skill and safety to clients, by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of substance or as a result of any mental or physical condition;

16. engaging in the practice of massage therapy without a current massage license;

17. failure to practice massage with that level of care, skill, and treatment which is recognized by a reasonably prudent similar massage therapist as being acceptable under similar conditions and circumstances;

18. failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition;

19. engaging in the practice of reflexology without a current massage therapy license; and for the purpose of this rule, "reflexology" is defined as the manipulation of the superficial tissues of the hands and feet, based on the theory that manipulation of body reflex areas or zones can affect other body functions.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3551 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1238 (July 2006).

### **Chapter 55. Disciplinary Actions**

#### **§5501. Guidelines for Disciplinary Actions**

A. When the board finds that an applicant, provisional licensee, or licensee whom it regulates has committed any of the prohibited acts set forth in the statute or rules, the board may impose appropriate penalties within the ranges recommended in the following disciplinary guidelines.

B. Penalties imposed by the board pursuant to this section may be imposed in combination or individually, and are as follows:

1. refusal to license an applicant; revocation or suspension of license;

2. issuance of a reprimand or censure;

3. imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

C. The provisions of this Section are not intended and shall not be construed to limit the ability of the board to informally dispose of disciplinary actions by agreement.

D. The provisions of this Section are not intended and shall not be construed to limit the ability of the board to pursue collateral, civil or criminal actions when appropriate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:3551 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1238 (July 2006).

### **Chapter 57. Minor Violations**

#### **§5701. Minor Violations**

A. The board hereby deems the following violations to be minor:

1. failure to include the license number of either the massage therapist or the massage establishment in advertisements as required by this Rule;

2. practicing with an inactive license in violation of these rules when the license has become automatically inactive for failure to renew, so long as the license is reactivated within 30 days of automatic reversion to inactive

status. Practice for more than 30 days of automatic reversion to inactive status. Practice for more than 30 days after a license has automatically reverted to inactive status shall not be a minor violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORY NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20:1002 (September 1994), repromulgated LR20:1111 (October 1994), amended LR 32:1238 (July 2006).

## **Chapter 59. Investigation of Complaints**

### **§5901. Investigation Procedures**

A. The board shall designate a member to serve as complaint investigative officer for each complaint.

B. Each complaint shall be submitted to the CIO. Once a complaint is received, the board designated CIO will initiate a review of the allegations. After the investigation the CIO may dismiss the case or proceed to informal hearing.

C. At informal hearing the CIO hearing the matter may resolve the matter by consent agreement, which must be submitted to the board for review and action.

D. The CIO shall recommend to the board the initiation of a formal disciplinary hearing if the investigation disclosed any of the following:

1. a complaint is sufficiently serious to require formal adjudication;

2. failure of the licensee and/or applicant to respond to the CIO's correspondence concerning the complaint;

3. failure of an informal hearing to resolve all issues;

or,

4. refusal of the licensee and/or applicant to comply with the recommended remedial action.

E. The CIO shall submit any recommended action to the Board in brief concise language, without any reference to the particulars of the investigation or any finding of fact or conclusions of law arrived at during the investigative process.

F. At no time shall the CIO investigate any case as authorized by the board or this section wherein said officer has any personal or economic interest in the outcome of the investigation or is personally related to or maintains close friendships with the complainant or the licensee. In such event, the CIO shall immediately notify the board, who shall have authority to appoint an "ad hoc" CIO for disposition of that case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1239 (July 2006).

## **Chapter 61. Hearings**

### **§6101. Formal Disciplinary Hearings**

#### **A. Formal Disciplinary Hearings**

1. The board shall also be authorized to conduct formal disciplinary hearings.

2. The hearing shall be held before the board only after the involved licensee and/or applicant is given at least 30 days notice by registered mail. The content of the notice, as well as the conduct of the hearings, shall be governed by R.S. 49:955, being further provided that the licensee be advised of his right to be represented by legal counsel. The board shall arrange for a court reporter to make an accurate

recording of all testimony presented at the hearing. By bringing a complaint, the client waives the privilege of confidentiality for purposes of the hearing.

3. The rules of evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and control confidential or privileged information, will apply to the formal adjudication hearing in accordance with the Louisiana Administrative Procedures Act. Thereafter, the unsuccessful applicant or licensee may apply for a rehearing, as provided in R.S. 49:959, subject to further judicial review, pursuant to R.S. 49:964, 965.

4. It is the licensee's or establishment registration's continuing obligation to keep the board informed of his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a change of address and the new address is not provided to the board, the board may hold the hearing in the licensee's or establishment registration's absence, after making reasonable efforts to obtain the licensee's or establishment registration's new address.

5. When the licensee or establishment registration receives notice, he may file an answer to the notice denying some or all of the charges, or offering any explanation or assert whatever defense is deemed applicable.

6. For good cause shown, the board has discretion to extend or continue the time set for the hearing for such reasons as ill health, inability to obtain counsel, the complexities of the case, or such other matters deemed by the board to present good cause if the request is done in reasonable time.

7. The board shall elect from its membership a person to act as presiding officer at the hearing to make rulings on objections and the admissibility of evidence and to insure that the conduct of the hearing proceeds without delay and pursuant to law. Other board members may not delegate their decision-making and fact-finding duties to the presiding officer nor shall the presiding officer have any greater weight in the decision-making process. The board's findings of fact and conclusions of law shall be signed by the majority of the board finding those facts and conclusions of law. Any board member disagreeing with those findings of fact and conclusions of law may also file a dissent in the record.

8. Any board member having reason to believe that he is biased or prejudiced against any of the parties to the proceeding or who has a personal or economic interest in the outcome shall immediately notify the remaining board members and request to be relieved of participation in the proceedings. Any party to such a hearing may file with the board an affidavit requesting a disqualification because of bias or personal or financial interest. As soon as possible, but not later than the beginning of the hearing, the majority of the board must pass upon the request for disqualification. The concerned board member shall not vote in the action to disqualify. Any doubt concerning the fitness of a board member shall be resolved in favor of disqualification. In the event of disqualification, the board shall proceed without the disqualified member. The board members needed for a quorum and majority shall be reduced to compensate for the disqualified members.

9. The parties to the hearing are urged to confer prior to the hearing or through their respective counsel to attempt to reduce or simplify the issues to be heard. The board will,



however, honor any stipulations arrived at between the parties as proven fact at the hearing. The purpose of the pre-hearing conference is to ensure that the hearing is not unusually delayed by receiving testimony or other evidence on matters, which are not seriously in dispute.

10. The board shall have discretion to consolidate one or more cases for hearing involving the same or related parties, or substantially the same questions of law or fact. The board may also grant separate hearings if such a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

11. The presiding officer shall consider a motion to modify or quash any subpoena issued in connection with the hearing, provided that such motion is filed by registered mail with the board no later than three days prior to the hearing date, or the date scheduled for the deposition if the subpoena was issued in connection with a deposition. Possible grounds to quash or limit the subpoena include, but are not limited to: Testimony or material protected by privilege of statute, regulation, or other law; burdensomeness that would not be justified in light of the evidence's importance to the case; undue hardship on a witness; vagueness; and, immateriality.

12. The procedures to be followed in conducting the hearing, governing the order of proceeding, rulings on evidence, and the board's decision, are contained in the Louisiana Administrative Procedure Act.

13. The burden of proof rests upon the CIO who is bringing the charge before the board. No sanctions shall be imposed or order be issued, except upon consideration of the whole record, as supported by and in accordance with, reliable, probative and substantial evidence. While proof beyond all reasonable doubt is not required to establish a given fact as true, the burden must be carried by a clear preponderance of the evidence. This standard of proof shall obtain in all hearings conducted before the board and any review or examination of evidence or any hearing requested.

14. Any party or person deemed to be governed by or under the jurisdiction of R.S. 36:3501-36:3516, may apply to the board for a declaratory order or ruling in order to determine the applicability of a statutory provision or rule of this board to said party or person. The board shall issue the declaratory order or ruling in connection with the request by majority vote of the board, signed and mailed to the requesting party. The board may seek legal counsel or an attorney general's opinion in connection with any such request.

15. Judicial review and appeal of any decision or order of the board shall be governed by R.S.49:964-965.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3551 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Massage Therapy, LR 20: 1002 (September 1994), repromulgated LR 20:1111 (October 1994), amended LR 32:1239 (July 2006).

Kayla Perkins  
Executive Director

0607#039

## **RULE**

### **Department of Health and Hospitals Board of Nursing**

#### **Selection and Use of Clinical Facilities (LAC 46:XLVII.3529)**

In accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Board of Nursing (Board) pursuant to the authority vested in the board by R.S.37:918 has amended rules of Professional and Occupational Standards pertaining to selection and use of clinical facilities.

## **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLVII. Nurses**

##### **Subpart 2. Registered Nurses**

##### **Chapter 35. Nursing Education Programs**

##### **§3529. Selection and Use of Clinical Facilities**

A. Hospitals used for clinical experiences shall be licensed by the state of Louisiana and certified by the appropriately designated agency for Medicare/Medicaid. In addition, hospitals should be accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO). Other health care agencies shall be accredited or approved by a recognized accrediting or approving agency as appropriate.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 3:189 (April 1977), amended LR 10:1026 (December 1984), amended by the Department of Health and Hospitals, Board of Nursing LR 15:1080 (December 1989), LR 16:133 (February 1990), LR 19:1149 (September 1993), repromulgated LR 24:1293 (July 1998), amended LR 26:2791 (December 2000), repromulgated LR 27:852 (June 2001), amended LR 32:1240 (July 2006).

Barbara L. Morvant  
Executive Director

0607#059

## **RULE**

### **Department of Health and Hospitals Office for Citizens with Developmental Disabilities**

#### **Single Point of Entry into the System (LAC 48:IX.Chapter 7)**

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities (OCDD) pursuant to Act 128 of the 2005 Regular Legislative Session as contained in R.S. 28:451.1 is authorized to establish a Developmental Disabilities Services System (System) and to serve as the Single Point of Entry into the System (SPOE) at R.S. 454.1. The intent of this Rule is to establish OCDD as the SPOE and to specify a fair, efficient and consumer-

friendly determination process for system entry. This determination process for system entry is to be equitably and uniformly applied by the OCDD Community Services Regional Offices and the Human Service Authorities (authorities) and Human Service Districts (districts) throughout the state.

#### **Title 48**

### **PUBLIC HEALTH—GENERAL**

## **Part IX. Developmental Disabilities Services System**

### **Chapter 7. Single Point of Entry and Determination Process for System Entry**

#### **§701. Purpose**

A. The Office for Citizens with Developmental Disabilities Services System is the Single Point of Entry (SPOE) for the Developmental Disabilities Services System (system).

B. Standards for the determination process for system entry establish:

1. entry into the system;
2. general support needs and resources;
3. the presence of a developmental disability; and
4. diagnostic assessment; and
5. specialized accommodations, including transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1241 (July 2006).

#### **§703. Definitions**

A. *Developmental Disability*—defined in accordance with the Developmental Disability Law at R.S. 28:451.2(12).

B. *Developmental Disabilities Services System*—a system of programs, services, and supports for persons with developmental disabilities that include but are not limited to information and referral services, support coordination services, system entry services, development of support profiles and plans, individual and family support services, living options, habilitation services and vocational services provided by the Department of Health and Hospitals and administered by the Office for Citizens with Developmental Disabilities. The term *system* is used in this document to refer to the Developmental Disabilities Services System.

C. *Entry Unit*—a section of the OCDD Regional Offices, the Human Services Authorities or Human Services Districts that implements the Developmental Disabilities Services System entry process.

D. *Entry Review Team*—a transdisciplinary team including, but not limited to, staff of the system entry unit, community services regional administrator or designee, and a psychologist. The team may also include a social worker, a nurse and or other consultants as necessary.

E. *Protected Date*—the date that will be included on OCDD's registries for supports and services requested.

F. *Support Profile*—defined in accordance with the Developmental Disability Law at R.S. 28:451.2(28).

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:451.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1241 (July 2006).

#### **§705. Single Point of Entry**

A. The OCDD has responsibility for programmatic leadership in the designing and developing of all developmental disabilities services provided by the department either directly or pursuant to agreements with the human services authorities and human services districts as statutorily constituted by state law and with public and private providers.

B. The Human Services Authorities (Authorities) are the Florida Parishes Human Services Authority and the Jefferson Parish Human Service Authority:

1. Florida Parishes Human Services Authority—Livingston, St. Helena, St. Tammany, Tangipahoa and Washington;

2. Jefferson Parish Human Service Authority—Jefferson Parish.

C. The Human Service Districts (Districts) are the Capital Area Human Service District and the Metropolitan Human Service District:

1. Capital Area Human Service District—Ascension, East Baton Rouge, East Feliciana, Iberville, Point Coupee, West Baton Rouge, West Feliciana;

2. Metropolitan Human Service District—Orleans, St. Bernard and Plaquemines.

D. The six OCDD Community Services Regions with their parishes are as follows:

1. Region 3—Assumption, Lafourche, St. Charles, St. James, St. John, Terrebonne, St. Mary;

2. Region 4—Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, Vermilion;

3. Region 5—Allen, Beauregard, Calcasieu, Jefferson Davis, Cameron;

4. Region 6—Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides, Vernon, Winn;

5. Region 7—Bienville, Bossier, Caddo, Claiborne, DeSoto, Sabine, Red River, Natchitoches, Webster;

6. Region 8—East Carroll, Caldwell, Franklin, Jackson, Lincoln, Madison, Morehouse, Quachita, Tensas, Union, West Carroll.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Human Services, Division of Mental Retardation/Developmental Disabilities, LR 16:31 (January 1990), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1241 (July 2006).

#### **§707. Standards for the Determination Process for System Entry**

A. OCDD Regional Offices, Human Service Authorities and Districts shall utilize specialized entry units for the determinations of system entry and entry review teams to review those determinations which do not clearly meet the criteria for entry into the system.

B. Staff shall be trained in the use of all standardized tools, methods and procedures as required by OCDD for determining the presence of a developmental disability and for conducting an assessment of support and service needs.

C. Persons with developmental disabilities may be assisted through the system entry process by anyone of their choice.

D. Requests for entry into the system must originate from the developmental disability region from which the person or legally responsible party resides and can be made from only one such region at a time.

E. The request for a face to face interview for system entry may be made by telephone, in person, e-mail or by other forms of correspondence.

F. A face-to-face interview shall be conducted with the person requesting supports or services at least for the initial interview unless there are extenuating circumstances preventing the person from being present. Explanations for such occurrences shall be included in the person's record.

G. The face-to-face interview will be conducted at the entry unit location. If a person is unable to get to this location, the staff will conduct the interview at the person's home or another agreed upon location. If a person fails to keep two appointments that are scheduled at locations outside the entry unit office, future appointments will be scheduled at the entry unit office.

H. Necessary demographic information on the person seeking supports and services shall be obtained for OCDD's information management system for developmental disabilities services.

I. Determination of the legal status shall be conducted and shall be consistent with the laws of Louisiana. Copies of all legal decisions of record concerning the person's legal status will be provided by the person or his legal representative at the face-to-face interview.

J. A standardized determination for entry into the system shall be completed within 45 days of receiving information necessary for making the determination.

K. An expedited review contingent upon receipt of needed information may be conducted if it is related to:

1. the emergency needs of a person due to any of the following reasons:

- a. care giver is no longer willing or able to provide care and there are no other supports available;
  - b. family crisis exits with no caregiver support available; and
  - c. intolerable temporary placement and immediate placement is needed; or

2. an urgent request concerning service(s) from a specific provider and the service(s) are available upon completion of the entry process; or

3. a court order to provide supports and services.

L. A support profile will be completed with input from the person, his legal representative or other(s) chosen by the person to assist with the interview.

M. The persons shall be asked if they wish to register to vote, and, if so, will be provided assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1241 (July 2006).

#### **§709. System Eligibility for Children between the Ages of 0 - 3 Years**

A. Children from 0-3 years who are currently eligible for Louisiana's Early Intervention System services as verified by receipt of all required Early Intervention System documents, including the Individual Family Support Plan, will meet criteria for entering the Developmental Disabilities Services System.

B. The entry unit staff will refer the family or legal guardian to the system entry Early Intervention Program to seek an eligibility determination for early intervention services if the child is between the ages of 0-3 years and is not currently receiving services from the Early Intervention Program.

C. It is the responsibility of the parent or legal guardian to initiate contact with the OCDD Entry Unit after receipt of the letter from the Early Intervention Program advising of the need to contact OCDD prior to the child's third birthday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1242 (July 2006).

#### **§711. Approval for Entry into the System**

A. Protected date for entry into the system shall be one of the following:

1. the date on the signed Request for Participation Form; or

2. the original appointment date for the face-to-face interview if this date was subsequently changed by the entry unit staff and if the person is approved for entry into the system; or

3. the protected date from the Early Intervention System for children between the ages of 0 - 3 years.

B. The protected date shall be in effect no longer than six months from the date of the completed request for services or for services not previously requested.

C. Approval for entry into the system shall be based on:

1. the definition of a developmental disability in the Developmental Disabilities Law, R.S. 451.2(12); and

2. standardized assessment instruments and methodologies required by OCDD for determining a developmental disability.

D. Entry Review Team

1. The regional offices, authorities, and districts shall establish an entry review team to review the documentation of persons who do not clearly meet the criteria for system entry contained herein.

2. The statement of denial shall not be issued unless the entry review team has determined that the person does not meet the criteria for system entry.

3. The entry review team shall make one of the four following decisions concerning whether the person meets the criteria for system entry.

- a. The person meets criteria for system entry and will receive a Statement of Approval (SOA) without re-determination.

- b. The person meets criteria for system entry and will receive a SOA with a specified date for re-determination.

- c. The person does not meet criteria for system entry.

- d. More information is needed to make a determination.

E. Persons who meet criteria for system entry will receive a Statement of Approval and a copy of the "Rights of People with Developmental Disabilities" from the regional office, authority or district from which the persons applied for services and supports.

F. Meeting criteria for participation in the system does not ensure that a person is eligible for specific supports and services.

G. Persons who are to receive services shall be provided unbiased information concerning all supports and service options and how to access information on all providers for each service option including contact information.

AUTHORITY NOTE: Promulgated in accordance with R.S.28:454.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1242 (July 2006).

#### **§713. Non-Approval for Entry into the System**

A. Persons who do not meet criteria for entry will receive a Statement of Denial (SOD) with their Rights of Appeal attached.

B. Persons who are receiving services and who receive a SOD will continue to receive services for 30 days from the receipt date of the SOD.

C. Persons who receive a SOD have the right to reapply for services at the regional office, authority or district in the area of their residence and to request and receive an administrative hearing through the DHH Bureau of Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S.28:454.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1243 (July 2006).

#### **§715. Re-Determinations for Entry into the Developmental Disabilities Services System**

A. The re-determination process follows the same format as the system entry process.

B. The face-to-face interview will not be necessary if the OCDD entry staff has met with the person in the past six months and has consulted with the person on the results of the screening tool in order to ensure the measure is fair and meaningful.

C. Re-determinations for entry into the system shall be required under either of the following conditions:

1. diagnosis of a developmental disability in accordance with state law is tenuous;
2. prognosis of a chronic life long condition of a developmental disability is uncertain.

D. Children 3 through 9 years of age will participate in a re-determination for system entry at least every three years except in the following circumstances:

1. standardized adaptive behavior scores obtained were greater than three standard deviations below the mean; and
2. the OCDD Entry Review Team approved the person's system entry without re-determination.

E. Children between 3 and 9 years of age who meet only two areas of substantial functional limitation will have a re-determination at age 10 years.

F. Any persons 10 years of age or older participating in the Developmental Disabilities Services System as of January 2006 will automatically be approved for entry into the system without determination, unless re-determination is required for participation in specific services. Re-determination may be requested by any one of the following parties:

1. OCDD Entry Review Team;
2. person requesting supports;

3. person's family or legal representative;
4. person's support coordinator;
5. person's service provider;
6. person's planning team;
7. person's physician determining level of care;
8. regional office, authority or district staff involved in the provision of supports;
9. state monitoring authorities;
10. courts of appropriate jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1243 (July 2006).

#### **§717. Closure of Requests for Supports and Services**

A. Initial requests may be "closed" due to:

1. insufficient information; or
2. denial for system entry.

B. An initial re-determination letter within 30 calendar days of the person's eligibility expiration shall be followed by at least two additional attempts to contact the persons prior to closing the case within the next thirty days. The two follow-up attempts to contact the persons must utilize more than one mode of contact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1243 (July 2006).

#### **§719. OCDD Data Requirements**

A. The Human Service Authorities and Districts and Regional Offices shall provide monthly to the OCDD Central Office random samples of completed determinations with supporting documentation in accordance with OCDD's quality review methodologies.

B. The Human Service Authorities and Districts and Regional Offices shall utilize OCDD's individual tracking system to enter all information as required by OCDD's policies and procedures for system entry.

C. The Human Service Authorities and Districts and Regional Offices shall provide additional information to OCDD as requested for the purpose of evaluating quality and compliance with state laws, policies and procedures relevant to system entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.17.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1243 (July 2006).

#### **§721. OCDD Quality Reviews**

A. The OCDD Central Office will conduct periodic quality reviews of the regional offices, authorities and districts regarding the processes for the single point of entry and the determination process for system entry.

B. The purpose of the quality reviews is to assess overall accuracy in decision making, completeness of information relative to the determination reached, and adherence to the Developmental Disability Law as well as to the rules, policies, operational instructions and procedures required by the office pertaining to single point of entry and the determination process for system entry conducted by the regional offices and the human service, authorities and districts.

C. The quality reviews shall consist of analyses of the following:

1. random samplings of completed eligibility determinations;
2. on-site observations of the determination process for system entry;
3. entry review team meetings;
4. required monthly data submissions; and
5. completeness, timeliness and accuracy of information required on OCDD's individual tracking system.

D. The review findings and subsequent recommendations along with any needed technical assistance will be provided to the regional offices, authorities and districts. Specific recommendations for improvement or correction actions must be carried out in order to maintain compliance with all laws, rules, policies and procedures relevant to the single point of entry or determination for system entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:454.17.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 32:1243 (July 2006).

Frederick Cerise, M.D. M.P.H.  
Secretary

0607#083

## **RULE**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

#### **Medicaid Eligibility—Treatment of Loans, Mortgages, Promissory Notes and Other Property Agreements**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions of the August 20, 2005 Rule governing the treatment of transfer of assets in the determination of Medicaid eligibility. This policy change applies to applications, renewals of eligibility or changes in situation for all individuals, except for those persons receiving Supplemental Security Income (SSI) or deemed to be receiving SSI.

#### **Definitions**

A. Unless otherwise specifically provided herein, the words and terms used in this Rule shall be defined as follows:

*Entities*—include, but are not limited to, partnerships, corporations, limited liability corporations, sole proprietorships, and any other entity or group.

*Family Member/Relative*—includes, but is not limited to, the following categories of relatives of the applicant for medical assistance:

- a. adopted child;
- b. stepchild;
- c. stepparent;
- d. stepsister or stepbrother;
- e. mother- or father-in-law;
- f. daughter- or son-in-law;
- g. sister- or brother-in-law; or
- h. any descendants, ascendants, or collaterals by blood or consanguinity.

### **Loans, Mortgages, Promissory Notes, and Property**

#### **Agreements or Assignments**

A. A loan, mortgage, promissory note, property agreement or property assignment is a countable resource and a potential transfer of assets regardless of any non-assignability, non-negotiability or non-transferability provisions contained therein.

#### **Instruments Containing Certain Provisions**

A. Any loans, mortgages, promissory notes, property agreements or property assignments executed that contain any of the following provisions shall not be considered bona fide and shall be evaluated as a transfer of resources:

1. self-canceling clauses or clauses that forgive a portion of the principle;
2. payments that are not in equal amounts for the term of the loan (contain balloon payments or interest only payments) even if the principal is due within the holder's life expectancy;
3. repayment terms that exceed the holder's life expectancy; or
4. evidence exists that there is not a good faith agreement to repay the entire principal.

B. Pursuant to the rules and regulations, the Department shall establish what constitutes a bona fide transaction for establishing Medicaid eligibility.

C. An opportunity to rebut the treatment of such instruments as countable resources or transfer of resources shall be provided to the applicant/recipient through the appeals process.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0607#080

## **RULE**

### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

#### **Pharmacy Benefits Management Program Erectile Dysfunction Drug Coverage**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing shall not cover and reimburse prescription drugs for the treatment of

sexual or erectile dysfunction under the Medicaid Program. Erectile dysfunction drugs shall be covered for the treatment of conditions other than sexual or erectile dysfunction for which the drugs have been approved by the Food and Drug Administration.

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0607#081

## **RULE**

### **Department of Health and Hospitals Office of the Secretary Division of Long Term Supports and Services**

#### **Home and Community Based Services Waivers Elderly and Disabled Adults Waiver (LAC 50:XXI.Chapters 81-89)**

The Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services amends LAC 50:XXI.Chapters 81-89 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers**

##### **Subpart 7. Elderly and Disabled Adult Waiver**

##### **Chapter 81. General Provisions**

##### **§8101. Introduction**

A. The target population for the Elderly and Disabled Adult (EDA) Waiver is individuals who meet Medicaid financial eligibility and the level of care for a nursing facility and who are:

1. 65 years of age or older; and
2. 21-64 years of age and disabled according to Medicaid standards or Social Security Income disability criteria.

B. Services are provided under the provisions of the approved waiver agreement between the Centers for Medicare and Medicaid Services (CMS) and the Louisiana Medicaid Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:1029 (August 1993), amended LR 24:42 (January 1998), repromulgated LR 30:1698 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1245 (July 2006).

##### **§8103. Request for Services Registry**

A. The Department of Health and Hospitals (DHH) is responsible for the Request for Services Registry, hereafter referred to as "the registry," for the Elderly and Disabled Adult Waiver. An individual who wishes to have his or her

name placed on the registry shall contact a toll-free telephone number maintained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 28:835 (April 2002), amended LR 30:1699 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1245 (July 2006).

##### **§8105. Programmatic Allocation of Waiver Opportunities**

A. When funding is appropriated for a new EDA Waiver opportunity or an existing opportunity is vacated, the Department shall send a written notice to an individual on the registry indicating that a waiver opportunity is available and that the individual will be evaluated for a possible EDA Waiver opportunity assignment.

B. EDA Waiver opportunities are offered based on the date of first request for services with priority given to individuals who are in a nursing facility, but could return to their home if EDA Waiver services are provided. Priority is also given to those persons who have indicated that they are at imminent risk of nursing facility placement.

C. The remaining waiver opportunities, if any, are offered on a first-come, first-serve basis to individuals who qualify for a nursing facility level of care, but who are not at imminent risk of being admitted to a nursing facility.

D. If the applicant is determined to be ineligible for any reason, the next individual on the registry is notified as stated above and the process continues until an individual is determined eligible. An EDA Waiver opportunity is assigned to an individual when eligibility is established and the individual is certified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998), repromulgated LR 30:1699 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1245 (July 2006).

##### **Chapter 83. Services**

##### **§8301. Service Descriptions**

A. The following services are available to recipients in the EDA Waiver. All services must be provided in accordance with the recipient's approved comprehensive plan of care (CPOC).

1. Support Coordination is services that will assist recipients in gaining access to necessary waiver and State Plan services, as well as needed social, educational and other services, regardless of the funding source for these services. Support coordinators shall be responsible for ongoing monitoring of the provision of services included in the recipient's approved CPOC.

2. Transition Intensive Support Coordination is services that will assist recipients who are currently residing in nursing facilities in gaining access to necessary waiver and State Plan services, as well as needed social, educational and other services, regardless of the funding source for these services. Support coordinators will initiate and oversee the process for assessment and reassessment, as well as be responsible for ongoing monitoring of the provision of services included in the recipient's approved CPOC.

3. Environmental Accessibility Adaptation is necessary physical adaptations made to the home to ensure the health, safety, and welfare of the recipient, or enable the recipient to function with greater independence in the home. Without these necessary adaptations, the recipient would require institutionalization. These services must be provided in accordance with state and local laws governing licensure and/or certification.

a. There is a lifetime cap per recipient for this service.

4. Personal Emergency Response System (PERS). This is an electronic device which enables the recipient to secure help in an emergency. PERS services are limited to specific recipients.

5. Companion Services are services provided to a functionally-impaired recipient that include care, supervision and socialization during the day or night.

6. Transition Services. These services assist an individual, who has been approved for an EDA Waiver opportunity, to leave a nursing facility and return to live in the community.

a. Service limit. Funds are available one time per lifetime for specific items as approved in the recipient's CPOC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998), repromulgated LR 30:1699 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1245 (July 2006).

### **§8303. Comprehensive Plan of Care**

A. Reimbursement shall not be made for EDA Waiver services provided prior to department's approval of the comprehensive plan of care (CPOC).

B. The support coordinator shall complete a CPOC which shall contain the:

1. types and number of services (including waiver and all other services) necessary to maintain the waiver recipient safely in the community;

2. individual cost of each service (including waiver and all other services); and

3. average cost of services per day covered by the CPOC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998), repromulgated LR 30:1699 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1246 (July 2006).

## **Chapter 85. Admission and Discharge Criteria**

### **§8501. Admission Criteria**

A. Admission to the EDA Waiver Program shall be determined in accordance with the following criteria:

1. initial and continued Medicaid financial eligibility;

2. initial and continued eligibility for a nursing facility level of care;

3. justification, as documented in the approved CPOC, that the EDA Waiver services are appropriate, cost effective and represent the least restrictive environment for the individual;

4. assurance that the health, safety and welfare of the individual can be maintained in the community with the provision of EDA Waiver services; and

5. the individual is either in a nursing facility or is at imminent risk of nursing facility placement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998), repromulgated LR 30:1699 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1246 (July 2006).

### **§8503. Admission Denial or Discharge Criteria**

A. Admission shall be denied or the recipient shall be discharged from the EDA Waiver Program if one of the following conditions is determined.

1. The individual does not meet the criteria for Medicaid financial eligibility.

2. The individual does not meet the criteria for a nursing facility level of care.

3. The recipient is incarcerated or placed under the jurisdiction of penal authorities or courts.

4. The recipient has a change of residence to another state.

5. The individual is admitted to an acute care hospital, rehabilitation hospital or a nursing facility with the intent to stay or a stay that is longer than 90 consecutive days.

6. Continuity of services is interrupted as a result of the recipient not receiving and/or refusing EDA Waiver services during a period of 30 consecutive days.

7. The health, safety and welfare of the individual cannot be assured through the provision of EDA Waiver services within the individual's cost effectiveness.

8. The individual fails to cooperate in the eligibility determination process or in the performance of the CPOC.

9. Failure on behalf of the individual to maintain a safe and legal home environment.

10. It is not cost effective to serve the individual in the EDA Waiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998); amended LR 24:457 (March 1998), repromulgated LR 30:1699 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1246 (July 2006).

## **Chapter 87. Waiver Cost Effectiveness**

### **§8701. Waiver Costs Limit**

A. In order to assure the cost effectiveness of the EDA Waiver, each recipient shall have access to an array of waiver services whose average cost per day shall not exceed a limit set by the Department. This limit shall be set, at least annually, at a percentage of the average costs borne by the Medicaid Program for the equivalent population receiving nursing facility services, including an allowance for temporary, brief periods of excess costs in order to maintain a recipient in the community.

B.1. - 3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998), repromulgated LR 30:1700 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1246 (July 2006).

## **Chapter 89. Provider Responsibilities**

### **§8901. Reporting Requirements**

A. Support coordinators and direct service providers are obligated to report changes to the department that could affect the waiver recipient's eligibility including, but not limited to, those changes cited in the denial or discharge criteria.

B. Support coordinators and direct service providers are responsible for documenting the occurrence of incidents or accidents that affect the health, safety and welfare of the recipient and completing an incident report. The incident report shall be submitted to the department with the specified requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:42 (January 1998), repromulgated LR 30:1700 (August 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Division of Long Term Supports and Services, LR 32:1247 (July 2006).

Frederick P. Cerise, M.D., M.P.H.  
Secretary

0607#079

## **RULE**

### **Department of Public Safety and Corrections Board of Private Investigator Examiners**

#### **Scope of Representation (LAC 46:LVII.703)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and the Louisiana Private Investigators Law (R.S. 37:3500-3525), the Louisiana State Board of Private Investigator Examiners amends LAC 46:LVII.703.C. The board is situated within the Louisiana Department of Corrections and is domiciled in the Parish of East Baton Rouge. The Rule change will appear in LAC 46:LVII, Chapters 1-9. The Rule change would prohibit a private investigator from discussing the legal consequences of any proposed course of conduct with a client. This initial change resulted in the suggestion after debating the issue in the presence of the entire board.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part LVII. Private Investigator Examiners**

### **Chapter 7. Client-Investigator Relationship**

#### **§703. Scope of Representation**

A. - B. ...

C. An investigator shall not encourage a client to engage, or assist a client, in conduct that the investigator knows is criminal or fraudulent. An investigator shall not discuss the legal consequences of any proposed course of conduct with a client but should advise the client to seek an opinion from an

attorney at law with regard to any application of the law and its possible resulting affects.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Investigator Examiners, LR 19:1335 (October 1993), amended LR 32:1247 (July 2006).

Jonathan Holloway, Sr.  
General Counsel

0607#011

## **RULE**

### **Department of Public Safety and Corrections Corrections Services**

#### **Louisiana Risk Review Panel (LAC 22:I.107)**

Editor's Note: LAC 22:I.107 is being republished to correct an error upon submission. The effective date for this Rule is July 20, 2006.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Public Safety and Corrections, Corrections Services, hereby amends LAC 22:I.107, Louisiana Risk Review Panel.

The Department of Public Safety and Corrections hereby amends and clarifies the secretary's current regulation regarding the Louisiana Risk Review Panel, in particular, eligibility requirements.

#### **Title 22**

### **CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT**

#### **Part I. Corrections**

#### **§107. Louisiana Risk Review Panel**

A. ...

B. Applicability. Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary of the Office of Adult Services, wardens, Director of Probation and Parole, Chairman/Board of Parole, Chairman/Board of Pardons and administrators of local jail facilities.

C. - C.2.e. ...

3. A majority of the members of each panel shall constitute a quorum. All official actions of the panel shall require an affirmative vote of a majority of members present.

C.4. - D.1.c.iii. ...

iv. sentenced to life imprisonment and has served at least seven years in actual custody;

v. an inmate sentenced as a habitual offender under R.S. 15:529.1 where one or more of the crimes was a crime of violence defined or enumerated in R.S. 14:2(13).

D.2. - G.1.a. ...

b. risk level based upon Louisiana Risk Need Assessment II (LARNA II) score;

c. comments submitted by the sentencing judge, district attorney, assistant district attorney, the Board of Parole, the Board of Pardons, the victim or victim's family or the inmate;

d. the age of the inmate (to include consideration of chronological age and length of confinement where such contributes to a reduction in danger to the public);



- e. current medical condition (where such contributes to a reduction in danger to the public);
- f. damage or injury occasioned by the crime committed;
- g. resources available to the inmate in the event of release (job and housing, family or other support, skill level); and
- h. the extent to which the sentence for the instant offense exceeded the minimum sentence in effect at the time of sentencing.

2. ...

H. The effective date of this regulation is July 20, 2006.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.22 (as enacted by Act Number 403 of the 2001 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 28:94 (January 2002), amended LR 29:2847 (December 2003), LR 32:1247 (July 2006).

Richard L. Stalder  
Secretary

0607#013

## RULE

### Department of Public Safety and Corrections Youth Services Office of Youth Development

#### Equine Health Management (LAC 22:I.769)

In accordance with the applicable provisions of R.S. 49:950 et seq., The Administrative Procedure Act, and pursuant to the authority granted by R.S. 36:405, the Department of Public Safety and Corrections, Division of Youth Services, Office of Youth Development hereby promulgates §769, Equine Health Management. This Rule establishes the policy for the maintenance of equine herd health for all horses at Youth Services facilities.

## Title 22

## CORRECTIONS

### Part I. Corrections

#### Chapter 7. Youth Services

#### Subchapter C. Field Operations

#### §769. Equine Health Management

A. Purpose. To establish the deputy secretary's policy regarding the maintenance of equine herd health for all horses at Youth Services (YS) facilities.

B. Applicability. The deputy secretary, undersecretary or designee, assistant secretaries, deputy assistant secretaries, and facility directors. The directors are responsible for implementing this policy and advising affected employees of its contents.

C. Policy. It is the deputy secretary's policy that all horses, whether privately owned and housed on the facility grounds or owned by YS, be subject to a structured health program designed to ensure humane treatment and to maintain records of all necessary veterinary treatment, vaccinations, and examinations.

#### D. Procedures

##### 1. "Coggins" Testing for Equine Infectious Anemia (EIA)

a. All horses owned by YS shall be tested annually for EIA.

b. Privately owned horses kept or brought on facility grounds are also subject to mandatory annual Coggins testing. Testing shall be done at the owner's expense and testing records shall be maintained.

c. Facility staff responsible for maintaining horses shall keep written results of Coggins tests performed on all equine stock under their care.

d. Positive test results shall be reported immediately to the facility director or his designee, who shall notify or consult with a veterinarian for instructions on the disposition or handling of an infected animal.

2. Annual Vaccinations. All horses that come into contact with state owned horses must be vaccinated annually for tetanus, eastern and western encephalomyelitis, and West Nile virus. Records shall be maintained to reflect that each horse has received the annual vaccination.

3. Parasite Control. All state owned horses shall be dewormed four to six times per year in accordance with a schedule prescribed by a veterinarian.

4. Dental Examinations. All staff responsible for the care of equine stock shall ensure that all state owned horses receive an annual dental examination by a veterinarian. The veterinarian should be authorized to perform routine maintenance as indicated by the dental examination.

5. General Care. Staff should pay careful attention at all times to the overall condition of the horses, including the animals' hooves. Any problems such as lameness, unusual discharge, hair loss, or other signs of sickness, injury, or hoof problems should be corrected immediately if possible or, if necessary, reported to the veterinarian charged with the care of the horses at that facility.

6. Additional Vaccinations. In the event of an outbreak of any disease, or the likelihood thereof, which may affect the equine stock, additional vaccinations or inoculations may be necessary. When a determination is made that additional vaccinations or treatment is necessary, the deputy secretary, his designee, or the director shall issue a directive requiring that all state owned as well as privately owned horses that are kept or brought on the facility grounds be given the necessary treatments.

E. Failure to maintain proof of compliance with this policy or failure to adhere to its provisions relating to privately owned horses could result in an order to immediately remove the animal from the grounds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:405, R.S. 3:2095, L.A.C. 7:XXI.521.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Youth Services, Office of Youth Development, LR 32:1248 (July 2006).

Simon G. Gonsoulin  
Deputy Secretary

0607#058

**RULE**  
**Department of Public Safety and Corrections**  
**Youth Services**  
**Office of Youth Development**

Research (LAC 22:I.767)

In accordance with the applicable provisions of R.S. 49:950 et seq., The Administrative Procedure Act, and pursuant to the authority granted by R.S. 36:405, the Department of Public Safety and Corrections, Division of Youth Services, Office of Youth Development hereby promulgates §767, Research. This Rule establishes policy for medical and social science research of secure care facilities and addresses the direct participation of youth in such research.

**Title 22**  
**CORRECTIONS**  
**Part I. Corrections**

**Chapter 7. Youth Services**  
**Subchapter C. Field Operations**  
**§767. Research**

A. Purpose. To establish the deputy secretary's policy regarding medical and social science research of secure care facilities and to address the direct participation of youth in such research.

B. Applicability. Deputy assistant secretaries and all facility directors.

C. Policy. It is the deputy secretary's policy that secure care facilities are encouraged to support, engage in, and use medical and social science research activities relevant to program services and operations. Requests and proposals for such research will be reviewed and approved in accordance with the procedures outlined herein. Proposed medical and social science studies which involve more than minimal risk to youth must be reviewed under and comply with federal regulations and shall be reviewed and approved by an authorized Institutional Review Board (IRB). The sole purpose for overseeing human subject research is to ensure that it meets applicable federal guidelines, complies with Youth Services (YS) policies, and protects the individual.

D. Definitions

*Certification*—the official notification by the facility to YS Central Office that a research project or activity involving human subjects has been reviewed and approved by an Institutional Review Board in accordance with an approved assurance.

*Human Subject*—a living individual about whom an investigator (whether a professional or student) conducting research obtains data through intervention or interaction with the individual or identifiable private information.

*Institution*—any public or private entity or agency.

*Institutional Review Board (IRB)*—a board, consisting of at least five members with various backgrounds, established to provide complete review of research activities commonly conducted by the institution as described above.

*Minimal Risk*—the probability and magnitude of harm or discomfort anticipated in the research are not greater than that ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

*Research*—a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

E. Procedures

1. Studies of the possible causes, effects, and processes of secure care and studies of these facility structures and/or youth in secure care facilities may only be conducted upon the approval of the deputy secretary.

2. The director shall review the research proposal and meet with the researcher(s) to discuss the contents of the proposal and plans for the results. During the discussion the director shall cover appropriate issues listed below under criteria and negotiate the level of review and dissemination of the results with the researcher(s) prior to initial approval.

3. The director shall initially approve a research proposal based on the following criteria before forwarding it to the deputy secretary for final approval:

a. the conduct of research in the facility complies with professional and scientific ethics and with applicable state and federal guidelines for the use and dissemination of research findings;

b. the research presents no more than minimal risk to youth;

c. the research consists of no more than interviews and/or written questionnaires and surveys, analysis of census and demographic data, or procedures that do not manipulate bodily conditions;

d. facility staff may assist research personnel in carrying out research and evaluation;

e. any direct youth participation or involvement is voluntary and requires consent from the youth's parents or legal guardians if the youth is under the age of 17; if there is no direct contact with youth and the research proposal only consists of retrieving data which has been previously collected during the normal course of business, no parental/guardian consent is needed;

f. the names of all participants are confidential;

g. prior to publication and/or presentation, a written report of the results of all medical and social science research must be shared with YS;

h. the research activities will not interfere with the normal operations of the facility;

i. qualified persons conduct the research;

j. the research will be conducted at no cost to YS, unless conducted at its request;

k. research findings will not be shared without express written consent of the deputy secretary;

l. no studies or research may be conducted for profit; and

m. the deputy secretary must approve the distribution list of the research findings and reports.

4. Any proposed research studies that involve more than minimal risk to youth must be reviewed under and comply with applicable federal regulations. The director shall ensure that the researcher(s) verifies that the proposal has been reviewed and approved by an authorized IRB prior to forwarding it to the deputy secretary for final approval.

5. The deputy secretary will review the research proposal prior to final approval to ensure that it meets the overall goals, objectives, and mission of YS.

6. From the point that the deputy secretary has approved a research project, the director shall monitor its

progress to ensure compliance with the provisions of this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.12(D)(2), 45 CFR §§46.101 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Youth Services, Office of Youth Development, LR 32:1249 (July 2006).

Simon G. Gonsoulin  
Deputy Secretary

0607#057

## RULE

### Department of Revenue Policy Services Division

#### Oilfield Site Restoration Fee (LAC 61:I.5301)

Under the authority of R.S. 30:87 and 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division has amended LAC 61:I.5301 to change the oilfield site restoration fee due dates to the same due dates for oil and gas severance tax.

Acts 2005, No. 446 amended R.S. 47:635(A) and 640(A), relative to the severance tax on oil and gas, to extend the tax return and payment due dates. Oil and gas severance tax returns previously due on the last day of the month following the month to which the tax applies or the fifteenth day of the second month following the month to which the tax applies are now due on the twenty-fifth day of the second month following the month to which the tax applies. The extended due dates are effective for tax periods beginning on or after October 1, 2005.

Since the oilfield site restoration fee imposed by R.S. 30:87 is based on the same production of gas, oil, and condensate that is taxed by the state's severance tax laws, changing the due dates to be consistent with the severance tax due dates will aid taxpayers in the administration and payment of the fee.

## Title 61

## REVENUE AND TAXATION

### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 53. Miscellaneous Fees

#### §5301. Oilfield Site Restoration Fee

A. The Department of Revenue is responsible for collection of the oilfield site restoration fee imposed on the production of gas, oil, and condensate.

1. The fee shall be assessed on the same production that is taxed by the state's severance tax laws.

2. An annual fee, administered and collected by the Office of Conservation, is also imposed on nonproducing wells located within the state, except for temporarily abandoned or saltwater disposal wells in stripper fields.

B. Definitions. For the purposes of this Section, the following terms are defined.

*Condensate*—liquid hydrocarbons recovered by initial separation from a well classified as a gas well by the Office

of Conservation or recovered from gas streams at drip points, plant inlet scrubbers, compressors, dehydrators, and metering stations.

*Gas*—gaseous phase hydrocarbons recovered by separation from either an oil well or gas well.

*Oil*—liquid hydrocarbons recovered by ordinary production methods from a well classified as an oil well by the Office of Conservation.

*Operator of Record*—the operator of record according to the Office of Conservation records.

*Secretary*—the Secretary of the Department of Revenue.

C. Due Dates and Delinquent Dates. The oilfield site restoration fee on gas, oil, and condensate is due quarterly on or before the twenty-fifth day of the second month following the quarter period and will be delinquent after this date and subject to interest, penalties, and costs as provided in Chapter 18, Subtitle II of Title 47.

#### D. Suspension and Reinstatement of the Fees

1. The state treasurer will certify to the secretary when the Oilfield Site Restoration Fee fund equals or exceeds \$10 million. The secretary will notify all parties who are remitting the fee to cease payment of the fee on a specific date. All fees collected up to that date will be remitted on or before the first day of the second month following the date specified.

2. The state treasurer will certify to the secretary when the Oilfield Site Restoration Fee fund has fallen below \$6 million. The secretary will notify all parties who are registered to collect and remit the fee to resume collection and payment of this fee starting with a specific date. The resumption date and fee due date will be specified on the notice.

#### E. Reports and Payment of the Fees

1. All returns and reports shall be made on forms prescribed by the secretary and furnished by the Department of Revenue, or on similar forms that have been approved for use by the secretary. Returns and reports shall be completed and filed in accordance with instructions issued by the secretary.

2. Any person who severs, purchases, or processes gas, oil, distillate, condensate, or similar natural resources is required to furnish information necessary for the proper enforcement and verification of the fees levied in R.S. 30:87.

3. Every operator of record of producing oil and gas wells must submit a return and make payments of the fees imposed by R.S. 30:87. Purchasers of oil and gas may make payment for the operator of record and their respective working-interest owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:87.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Severance Tax Division, LR 20:197 (February 1994), amended LR 23:78 (January 1997), LR 32:1250 (July 2006).

Cynthia Bridges  
Secretary

0607#002

## **RULE**

### **Department of Transportation and Development Office of Weights and Standards**

#### **Oversize and Overweight Permit Regulations (LAC 73:I.723)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby amends a Rule entitled "Oversize and Overweight Permit Laws and Regulations", in accordance with R.S. 32:380-389.

#### **Title 73**

### **WEIGHTS, MEASURES AND STANDARDS**

#### **Part I. Weights and Standards**

#### **Chapter 7. Oversize and Overweight Permit Laws and Regulations**

##### **§723. Types of Permits**

A. - S.4. ...

T. Curfews, Night, Inclement Weather, and Holiday Movement

T.1. ...

2. Hours of operation are to be sunrise to sunset, as determined by the National Weather Service.

T.3. - Z.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32.2, et seq. and R. S. 32:380-389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 5:26 (February 1979), amended by the Office of Weights and Standards, LR 22:120 (February 1996), LR 32:1251 (July 2006).

J. Michael Bridges, P.E.  
Undersecretary

0607#055

## **RULE**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **General and Wildlife Management Area Hunting Regulations (LAC 76:XIX.111)**

The Wildlife and Fisheries Commission has amended rules and regulations governing the hunting of resident game birds and game quadrupeds.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part XIX. Hunting and WMA Regulations**

#### **Chapter 1. Resident Game Hunting Season**

##### **§111. General and Wildlife Management Area Hunting Rules and Regulations**

A. - C.10.g. ...

11. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with a bow and arrow, shotgun, muzzleloader, or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately

owned and does not apply to state wildlife management areas and refuges, the Kisatchie National Forest, federally owned refuges and lands owned by the Corps of Engineers.

D. - D.12.b.xii. ...

##### **E. General Deer Hunting Regulations**

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain a Deer Tag Harvest Card and have this on their possession when hunting deer. Immediately upon harvesting a deer, the hunter must document the kill on the Deer Tag Harvest Card. All hunters must file a deer harvest report with the department at the end of the season, even if no deer were harvested.

2. One antlered and one antlerless deer per day (when legal) except on National Forest Lands and some Federal Refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, three antlered deer and three antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll, Assumption, Iberia, Iberville, St. Martin, St. Mary, Plaquemines, St. Bernard and portions of East Carroll. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to public lands (wildlife management areas, National Forest Lands, and Federal Refuges) which will have specified either-sex days.

3. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as deer with at least 4 points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least 1 inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

4. Deer hunting restricted to legal bucks only, except where otherwise allowed.

5. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only.

Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Areas not specifically designated as open are closed.

10. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on public areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

11. Archery Segment: Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (See Schedule).

a. Bow and Arrow Regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful and except disabled persons

with a crossbow permit and individuals who are 60 years of age or older may use a bow drawn, held or released by mechanical means;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight;

(e). to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restrictions in this paragraph shall not apply to any person who has lost one or more limbs.

12. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

13. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

14. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youths under the age of 16 only. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt.

F. - F.5.a. ...

6. Area 6

a. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. Evangeline—that portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte;

iii. Iberia—East of U.S. 90;

iv. Lafayette—East of I-49 and U.S. 90;

- v. Livingston—South of I-12;
  - vi. Rapides—South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;
  - vii. St. Landry—East of U.S. 167;
  - viii. St. Mary—North of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde;
  - ix. St. Tammany—that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;
  - x. Tangipahoa—South of I-12;
  - xi. West Feliciana—West of Mississippi River, known as Raccourci and Turnbull Islands.
- c. Still hunting only in all or portions of the following parishes:
- i. Avoyelles—North of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport;
  - ii. Plaquemines—East of the Mississippi River;
  - iii. Rapides—South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;
  - iv. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;
  - v. St. John—South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac;
  - vi. St. Landry—those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103;
  - vii. New High Water Benchmark Closure. Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of Interstate 10, west of the East Guide Levee, east of the West Guide Levee, and north of U.S. Highway 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.
7. Area 7
- a. Portions of the following parishes are open:
    - i. Iberia—South of La. 14 and west of U.S. Hwy. 90;
    - ii. St. Mary—all except that portion north of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.
- F.8. - G.5.m. ...
- n. All hunters except waterfowl hunters and mourning dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of

"hunter orange" and wear a "hunter orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "hunter orange" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "hunter orange".

- o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" above or around their blinds which is visible from 360 feet.

- p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

- q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

- r. Muzzleloader Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule.

6. - 17.zz. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006).

Dwight Landreneau  
Secretary

0607#041

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Resident Game Hunting Seasons (LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby amend rules and regulations governing the hunting of resident game birds and game quadrupeds.

## Title 76

### WILDLIFE AND FISHERIES

#### Part XIX. Hunting and WMA Regulations

##### Chapter 1. Resident Game Hunting Season §101. General

A. The Resident Game Hunting Season, 2006-2007 and 2007-2008 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006).

**§103. Resident Game Birds and Animals 2006-2007, 2007-2008**

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	2006-2008 Season Dates	Daily Bag Limit	Possession Limit
Quail	Opens: 3rd Saturday of November Closes: Last Day of February	10	20
Rabbit and Squirrel	Opens: 1st Saturday of October Closes: Last Day of February	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer and 3 antlerless deer)

**C. 2006-2008 Deer Hunting Schedule**

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. after 2nd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last Sun. of Jan.	Opens: Sat. before Thanksgiving Day Closes: Fri. before 2nd Sat. of Dec. Opens: Mon. after 1st Sat. of Jan. Closes: next to last Sun. of Jan.	Opens: 2nd Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.
2	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: Next to last Sat. of Oct. Closes: Fri. before last Sat. of Oct. Opens: Mon. after 2nd Sat. of Jan. Closes: Sun. after 3rd Sat. of Jan.	Opens: Last Sat. of Oct. Closes: Fri. before 2nd Sat. of Dec.	Opens: 2nd Sat. of Dec. Closes: Sun. after 2nd Sat. of Jan.
3	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after Thanksgiving Day Closes: Fri. before 1st Sat. of Dec.	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day Opens: 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.	
4	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 1st Sat. of Nov. Closes: Fri. before 2nd Sat. of Nov. Opens: Mon. after 1st Sat. of Jan. Closes: Mon. after 2nd Sat. of Jan.	Opens: 2nd Sat. of Nov. Closes: Sun. after 1st Sat. of Jan.	
5	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Nov. Closes: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) Opens: Day after Christmas Day Closes: Jan. 1st (BUCKS ONLY)	Opens: Day after Thanksgiving Day Closes: Sun. after 2nd Sat. of Dec.	
6	Opens: 1st day of Oct. Closes: Feb. 15 (1st 15 days are BUCKS ONLY)	Opens: 2nd Sat. of Nov. Closes: Fri. before 3rd Sat. of Nov. Opens: Mon. after the next to last Sun. of Jan. Closes: Last Sun. of Jan.	Opens: Sat. before Thanksgiving Day Closes: Fri. before 2nd Sat. of Dec.	Opens: 2nd Sat. of Dec. Closes: Next to last Sun. of Jan.
7	Opens: 1st day of Oct. Closes: Last day of Jan.	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: 1st Sat. of Nov. Closes: Fri. before 2nd Sat. of Nov.	Opens: 3rd Sat. of Oct. Closes: Fri. before 1st Sat. of Nov. Opens: 2nd Sat. of Nov. Closes: Sun. after Thanksgiving Day	Opens: Mon. after Thanksgiving Day Closes: 1st Sun. after Christmas Day
8	Opens: 3rd Sat. of Sept. Closes: Jan. 15	Opens: 2nd Sat. of Oct. Closes: Fri. before 3rd Sat. of Oct. Opens: Mon. after Thanksgiving Day Closes: Fri. before 1st Sat. of Dec.	Opens: 3rd Sat. of Oct. Closes: Sun. after Thanksgiving Day	Opens: 1st Sat. of Dec. Closes: Sun. after 1st Sat. of Jan.

**D. Modern Firearm Schedule (Either-Sex Seasons)**

Parish	Area	Modern Firearm Either-Sex Days
Assumption	Area 6	Nov. 18-26, Dec. 9-10
East Carroll	Area 4 portion	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
	Area 4	Nov. 11-12, 24-26, west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line

Parish	Area	Modern Firearm Either-Sex Days
Iberia	Area 6	Nov. 18-26, Dec. 9-10
Iberville	Area 6	Nov. 18-26, Dec. 9-10, 23-24, 30-31
Orleans	Area 6	None
Plaquemines	Area 6	None
St. Bernard	Area 6	None
St. Martin	Area 6	Nov. 18-26, Dec. 9-10
St. Mary	Area 6	Nov. 18-26, Dec. 9-10
West Carroll	Area 5	Nov. 24-25, 26

E. Farm Raised White-Tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7 Dec. 1-7 Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days: the 1st three days after Thanksgiving Day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), amended LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006).

Dwight Landreneau  
Secretary

0607#040

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Shrimping Closed Season, Vessel Monitoring System  
(LAC 76:VII.369)**

The Wildlife and Fisheries Commission does hereby establish rules and regulations for a vessel monitoring system on boats that harvest or possess shrimp and has onboard a person who requires monitoring.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 3. Saltwater Sport and Commercial Fishing**

**§369. Shrimping Closed Season, Vessel Monitoring System**

A. Purpose. To maximize voluntary compliance with shrimping regulations and to reduce purposeful shrimping violations by providing adequate deterrence thereby reducing recidivism.

B. Persons who are required to be monitored:

1. any person subject to a court order requiring monitoring;

2. any person having two or more convictions during the preceding five year period for harvesting shrimp during closed season.

C. Persons required to be monitored shall not be present on board any vessel harvesting or possessing shrimp, or which has any trawl, skimmer, or butterfly net on board, unless that vessel is equipped with and is using and employing an approved, fully functional and operating, vessel monitoring system (VMS) as required by R.S. 56:495.1 and R.S. 56:497.1 and these regulations.

D. Required Monitoring Periods

1. Persons who are subject to a court order requiring that they be monitored shall be monitored and who do not have two or more convictions during the preceding five year period for harvesting shrimp during closed season for the period specified by the order of the court.

2. Persons who have had two convictions during the preceding five year period for harvesting shrimp during closed season shall be monitored for a period of three years from the date of the most recent conviction.

3. Persons who have had three or more convictions during the preceding five year period for harvesting shrimp during closed season shall be monitored for a period of 10 years from the date of the most recent conviction.

E. The VMS unit must be approved and certified, must be installed onboard the vessel, and must be fully operational. The department must first be notified of the installation, before a person who is required to be monitored may be present onboard the vessel. If a person who is required to be monitored is found to be on any vessel-harvesting shrimp or possessing shrimp, or possessing any trawl, skimmer, or butterfly net without an approved VMS device being on board and operating, the person who is required to be monitored shall be in violation of VMS shrimping requirements and shall be guilty of a class four violation pursuant to R.S. 56:497.1.C and R.S. 56:34. Each license issued to a person who is required to be on a VMS monitored vessel shall indicate that the licensee may only be present on a VMS monitored vessel.

F. Persons who are required to be monitored shall be responsible for the following VMS Requirements.

1. The vessel must have installed within it a fully operational and approved VMS Devices. Approved devices are those devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and which meet the minimum performance criteria specified in Paragraph 2 of this Subsection. In the event that a VMS is deleted from the list, vessel owners who purchased a VMS unit on the VMS list prior to approval of the revised list will be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.

2. Minimum VMS Performance Criteria. Basic required features of the VMS are as follows.

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection must be automatic to provide an optimal fix and must not be capable of being manually overridden.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions.

c. The VMS shall be fully operable and must track the vessel in all of Louisiana coastal waters and throughout the Gulf of Mexico.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS unit shall make all required transmissions to a designated and approved VMS vendor



who shall be responsible for monitoring the vessel and reporting information to the department.

f. The VMS shall provide accurate position transmissions every half-hour, every day of the year, during required monitoring period. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and permit those monitoring the vessel to receive position reports in real time. For the purposes of this specification, real time shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

g. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the department. Such transmission must be made at any time upon demand of the department.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three months, as transmitted by the VMS unit, and provide transmissions to the department of specified portions of archived data in response to department requests in a variety of media (tape, compact disc, etc.) as specified by the department.

3. Operating Requirements. All required VMS units must transmit a signal indicating the vessel's accurate position at least every half-hour, 24 hours a day, when a person who is required to be monitored is on board the monitored vessel.

4. Presumption. If a VMS unit fails to transmit an hourly signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction, or disruption of the transmission that occurred while the vessel was declared out of the shrimp fishery, as applicable, or was not at sea.

5. Replacement. Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries Law Enforcement Division Headquarters VMS coordinator, within three days of installation and prior to the vessel's next trip, verifying

that the new VMS unit is an operational, approved system as described in this Section.

6. Access. All vessel owners shall allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS unit and data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

7. Tampering. Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accurately compute the vessel's position fix.

8. Violation. Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be a violation of R.S. 56:497.1.C and requirements of probation where applicable. All shrimp taken or possessed by a person in violation of these rules, and who is identified on his commercial license as required to be VMS monitored, shall be deemed illegally taken and possessed. The provisions of this section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this Section shall constitute a Class 4 violation.

9. All costs and monthly fees associated with the installation, operation and monitoring of any VMS system in accordance with these rules shall be the responsibility of the person required to be monitored and shall be paid by him directly to the approved VMS supplier and monitoring facilitator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:495.1, and R.S. 56:497.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 32:1255 (July 2006).

Dwight Landreneau  
Secretary

0607#042